

8 SEPTEMBER 1947

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I N D E X

Of

EXHIBITS

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Monday, 8 September 1947

- - -

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

- - -

Appearances:

For the Tribunal, all Members sitting, with
the exception of: HONORABLE JUSTICE JARANILLA, Member
from the Republic of the Philippines, not sitting from
0930 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

- - -

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. Freeman.

4 MR. FREEMAN: If the Tribunal pleases, I next
5 call the witness WATANABE whose affidavit is defense
6 document 2171.

7 We offer this affidavit in evidence for the
8 purpose of revealing the drastic drop in supplies
9 reaching Japan and territories controlled by Japan
10 attributable to the sinking of merchant vessels. The
11 accompanying charts marked Annex 1 and 2 were prepared
12 by the witness and will be offered in evidence along
13 with his testimony.
14

15 - - -

16 Y A S U J I W A T A N A B E, called as a witness
17 on behalf of the defense, being first duly
18 sworn, testified through Japanese interpreters
19 as follows:

20 DIRECT EXAMINATION

21 BY MR. FREEMAN:

22 Q Captain WATANABE, will you give us your full
23 name and address?

24 A My name is WATANABE, Yasuji; my address is
25 No. 1 Kasumigaseki, 2-chome, Chiyoda-ku, Tokyo.

MR. FREEMAN: May the witness see defense

1 document 2171.

2 (Whereupon, a document was handed to
3 the witness.)

4 Q Captain, will you examine that document and
5 tell us whether it is your affidavit and whether you
6 signed it or not?

7 A This is an affidavit signed by me.

8 Q Are the contents therein true and correct?

9 A In addition to this affidavit, I submitted,
10 along with it, three graphs. I have not seen the
11 graphs, but, outside of that, this affidavit is true
12 and correct.

13 MR. FREEMAN: May he be shown the graphs.

14 (Whereupon, documents were handed to
15 the witness.)

16 A There is an error in graph No. II and I should
17 like to have it corrected.

18 Q Will you indicate the error?

19 A It seems that the unit for the fuel-oil im-
20 ported from the Southern Region is a mistake and I
21 should like to have a correction made as follows:

22 According to this graph, an import of 11,000
23 tons monthly was made in the year 1942. This is a
24 mistake. The correct figure should be 110,000 tons.
25 The figure for the year 1943 is given as 22,000 for

1 imports, but it should be read 220,000. The
2 figures for the year 1944 is given as 1,000. The
3 correct figure should be 100,000. The figure for the
4 year 1945 is zero. Otherwise, the graphs are correct.

5 MR. FREEMAN: If the Tribunal please, those
6 corrections are made on "List II" of this chart that
7 is attached, the fuel-oil for the years '43-'44.

8 With those corrections, I offer in evidence
9 defense document 2171.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Defense document 2171
12 will receive exhibit No. 3103.

13 (Whereupon, the document above re-
14 ferred to was marked defense exhibit No. 3103
15 and received in evidence.)

16 MR. FREEMAN: I shall now read into evidence
17 exhibit No. 3103:

18 "My name is Yasuji WATANABE. I was formerly
19 a captain in the Japanese Navy. From June 1943 until
20 April 1945 I was assigned to the Navy Ministry, Naval
21 Affairs Bureau, and from May 1945 until the termination
22 of the war I was assigned to the Maritime Supervision
23 Board. My duties chiefly encompassed matters concerning
24 the schedule of merchant shipping.

25 "1. At the outbreak of war Japan possessed

1 approximately 6,300,000 tons of merchant ships. This
2 calculation is based on vessels of 100 tons or more
3 in capacity. Largely because of the action of United
4 States submarines against Japanese shipping, in August
5 1945 this tonnage was reduced to approximately 1,500,000
6 tons. Since this figure included grounded ships, those
7 requiring repairs and others not capable of immediate
8 sea duty, only 500,000 tons could actually be operated
9 in homeland waters.

10 "2. Ships sunk or damaged by United States
11 submarine activity, aircraft and mines amounted to
12 approximately 1,100,000 tons in 1942, 2,100,000 tons
13 in 1943, 4,100,000 in 1944 and 1,500,000 in 1945 until
14 the end of hostilities. This was a total of approxi-
15 mately 8,800,000 tons.

16 "In spite of a 4,000,000 ton increase in
17 merchant vessel construction, captured ships, etc.,
18 there was a great decrease in over-all total tonnage as
19 shown in Annexed Document Number One. The ships newly
20 constructed were inferior in structure and slow in
21 speed thereby hampering the efficiency of the trans-
22 portation.

23 "3. The commodities carried by these merchant
24 ships varied from time to time, but consisted largely
25 in foodstuffs and those products needed for the war

1 effort. There were service vessels, which consisted
2 of those requisitioned by the military, and civilian
3 vessels, operated without the direct supervision of
4 the military. The service vessels largely confined
5 their activities to the South Seas Area, Malaya and
6 Netherlands Indies, while the civilian vessels ran
7 between China, Manchuria and Japan together with some
8 in the Malayan, French Indo-China and Philippine Areas.
9 The merchant traffic consisted of coal, petroleum, grain,
10 iron ore, bauxite, lumber, cement, salt, etc.

11 "4. In order to remedy the situation caused
12 by heavy shipping losses, General Headquarters set
13 up a revised and strengthened convoy escort. But due
14 to lack of necessary escort warships the plan was not
15 effective and a priority was given to the escorting
16 of those convoys carrying petroleum and bauxite. The
17 importation of iron ore from Hainan Island had to be
18 ceased together with the importation of food stuffs from
19 French Indo-China. Then in June 1944 after United States
20 troops landed on Saipan the maintenance of the southern
21 sea routes became most difficult. A Maritime Commission
22 composed of military and civilian representatives was
23 set up to seek a solution to the dangerous problem then
24 facing us. The losses had resulted in a miserable
25 condition reflecting heavily on the people's livelihood.

1 Shortages of fertilizer caused a decrease in the
2 harvest of grain and an accompanying 10% cut down in
3 distribution of staple foodstuffs.

4 "Hence the food supply of Japan decreased and
5 the supply of our armed forces overseas likewise became
6 a serious problem. I am able to give the percentage of
7 decrease of supplies to our forces overseas if the
8 Tribunal desires it and have not done so here in order
9 to save time.

10 "5. In 1945 the transportation districts were
11 limited to Manchuria, Korea and Northern China. In
12 addition to enemy submarine activity our loss of merchant
13 shipping became even more acute due to mine laying
14 operations by B-29's. Sea routes were practically
15 restricted to Japanese home waters and resort had to
16 railway transportation. In view of the prevailing
17 conditions in May 1945 the Maritime Service Supervision
18 Board was set up as an over-all organ to supervise
19 military and civilian water transport but it was too
20 late to do much with the situation since the transpor-
21 tation capacity had been reduced 75% since the outbreak
22 of war. Circumstances of that time are explained in
23 Annexed Document Number Two which shows the amount and
24 kind of cargo carried among the Japanese Islands and
25 to and from Japan proper.

1 "To sum up the whole situation, sea trans-
2 portation in the latter half of the war was devoted to
3 raw materials for munition industries with a heavy effect
4 upon the people's livelihood. In the final stage of
5 the war, in order to secure a minimum of food commodities
6 to sustain the people, the import of raw materials for
7 war manufactures was almost eliminated. The trans-
8 portation capacity was then only 21% of the pre-war
9 strength."

10 You may cross-examine.
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1 THE PRESIDENT: Mr. Freeman, before you go,
2 the percentage of decrease of supplies to the Japa-
3 nese forces overseas may be very material to the
4 question of the treatment of prisoners of war in
5 Malaya and elsewhere. Couldn't that percentage be
6 given in short form without wasting much time?

7 MR. FREEMAN: I will ask the witness, if the
8 Court please.

9 THE PRESIDENT: The suggestion there is that
10 he is withholding material information just to oblige
11 the Tribunal. The Tribunal is not in that position
12 at all.

13 BY MR. FREEMAN (Continued):

14 Q Mr. WATANABE, do you have the figure showing
15 the effect of the sinking of merchant ships going to
16 outlying areas, not in Japan proper? Do you have
17 those percentages? If you have those figures, will
18 you please give them?

19 A May I be permitted to take some notations
20 out of my pocket?

21 THE PRESIDENT: He can refresh his memory
22 from notes.

23 A In the year 1945, no shipments could be made
24 to the territories outside of Manchuria, China, Ryukyu,
25 and Formosa. Japan was able to satisfy the demands of

1 troops in the field only to the extent of 38 per cent
2 because of lack of transportation.

3 In 1944, shipments were made in response to
4 demands from all theaters, but only 56 per cent of
5 the demands could be met. The supplies to French Indo-
6 China, Sumatra, Java, and Borneo was only 35 per cent
7 that year, supplies to Burma 41 per cent, to the
8 Philippines 47 per cent. These are destinations to
9 which supplies were under average or below level. The
10 others I shall omit.

11 In the year 1943, the average shipment to
12 all theaters was no more than 70 per cent. The worst
13 case was that with regard to shipping toward the
14 Philippines, which was only 56 per cent. The figure
15 for supplies to Burma was also the same, 56 per cent.
16 Next in line was China where supplies amounted to only
17 66 per cent of the needs. Next in line were the
18 Central Pacific Islands and New Guinea where the
19 supplies were only 69 per cent of the requirements of
20 the forces there.

21 1942 was the year following the outbreak of
22 the war, but already transportation facilities have
23 decreased and average supplies was 76 per cent.

24 That is all, sir.

25 MR. FREEMAN: Does that answer the Court's

1 question?

2 THE PRESIDENT: Apparently he has told all
3 he knows that is material. That is our only concern.

4 COLONEL MORNANE: There will be no cross-
5 examination of this witness, if the Tribunal pleases.

6 MR. FREEMAN: May the witness be excused?

7 THE PRESIDENT: He is released on the usual
8 terms.

9 (Whereupon, the witness was excused.)

10 MR. FREEMAN: I next offer in evidence
11 defense document 2078-A, which is the regulations con-
12 cerning the dispatch of prisoners of war. I do not
13 desire to read any part of this document.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Defense document 2078-A
16 will receive exhibit No. 3104.

17 (Whereupon, the document above
18 referred to was marked defense exhibit
19 No. 3104 and received in evidence.)

20 MR. FREEMAN: I next offer in evidence
21 defense document 2078-B, which has to do with the
22 treatment of dispatched prisoners of war, as revised
23 by the War Ministry in 1943. I desire to read no
24 part of this document.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Defense document 2078-B
2 will receive exhibit No. 3105.

3 (Whereupon, the document above
4 referred to was marked defense exhibit
5 No. 3105 and received in evidence.)

6 MR. FREEMAN: I next offer in evidence
7 defense document 2078-C, which has to do with the
8 frugal consumption of provisions, instructions issued
9 by the War Ministry in 1944. I desire to read no
10 part of this document.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Defense document 2078-C
13 will receive exhibit No. 3106.

14 (Whereupon, the document above
15 referred to was marked defense exhibit
16 No. 3106 and received in evidence.)

17 MR. FREEMAN: I next offer in evidence
18 defense document 2078-D, which has to do the proper
19 adjustment of supplies of daily necessities of
20 prisoners of war, issued in February 1945.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 2078-D
23 will receive exhibit No. 3107.

24 (Whereupon, the document above
25 referred to was marked defense exhibit

No. 3107 and received in evidence.)

MR. FREEMAN: I shall now read into evidence exhibit 3107:

"Subject: Proper Adjustment of Supplies of Daily Necessities to P.O.W.'s

"7 Feb. --," that should be '45.

"Notification from the Chief of P.O.W. Superintendence Bureau to all units concerned.

"Recently, there has been a deterioration in the physical strength of prisoners of war, not to speak of the many cases of under nourishment which prevents them from demonstrating their capacity as laborers. Even though this is due to the general domestic food situation which has rendered difficult the furnishing of supplies, the problem of providing prisoners of war supplies as would be sufficient to maintain proper standards of health cannot be neglected in order to maintain labor power.

"The turn of the war situation is such that an increasingly pressing food situation must be expected. Such being the case it is directed that prompt measures be taken to improve supply conditions, especially to effect a proper adjustment of supplies of daily necessities by strengthening hereafter the position of self-sufficiency in food stuffs and that

1 proper guidance be given as would be in full accord
2 with the principles of the army's plan in transferring
3 prisoners of war to our homeland for labor purposes.

4 "In order to strengthen the position of
5 self-sufficiency in foodstuffs, you are directed not
6 only to reclaim wastelands or to encourage the em-
7 ployers of prisoners of war voluntarily to offer
8 cultivated land, but also to take positive measures
9 to divert a part of the prisoners of war engaged in
10 production to work directly related to their liveli-
11 hood. You are advised to abandon supplementary small-
12 scale methods and directed to produce results.

13 "With regard to the principles for effec-
14 tuation of food self-sufficiency you are to comply
15 with Riku Mitsu (Army Secret) No. 301."

16 If the Tribunal pleases, 2078-E is already
17 in evidence as exhibit 1961.

18 I next offer in evidence defense document
19 2078-F, which has to do with relief for dead and in-
20 jured prisoners of war by their employers, from Regu-
21 lations for Prisoners of War, dated June 4, 1943. I
22 desire to read no part of this document.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 2078-F
25 will receive exhibit No. 3108.

1 (Whereupon, the document above
2 referred to was marked defense exhibit
3 No. 3108 and received in evidence.)

4 THE PRESIDENT: What are you going to do
5 with this certificate, Mr. Freeman? My copy bears
6 no number as an exhibit.

7 MR. FREEMAN: Which document is that?

8 THE PRESIDENT: "Certificate of Source and
9 Authenticity."

10 MR. FREEMAN: I am sorry. 2078-A is a cer-
11 tificate for all these documents.

12 THE PRESIDENT: You already have a 2078-A.

13 MR. FREEMAN: 2078. It is a certificate for
14 A to G.

15 THE PRESIDENT: I think you had better mark
16 it exhibit 3108-A. It covers all the exhibits from
17 3104 to 3108, inclusive.

18 Call out that number.

19 CLERK OF THE COURT: Defense document 2078
20 will receive exhibit No. 3108-A.

21 (Whereupon, the document above
22 referred to was marked defense exhibit
23 No. 3108-A and received in evidence.)
24
25

1 (Whereupon, the document above
2 referred to was marked defense exhibit
3 No. 3108 and received in evidence.)

4 THE PRESIDENT: What are you going to do
5 with this certificate, Mr. Freeman? My copy bears
6 no number as an exhibit.

7 MR. FREEMAN: Which document is that?

8 THE PRESIDENT: "Certificate of Source and
9 Authenticity."

10 MR. FREEMAN: I am sorry. 2078-A is a cer-
11 tificate for all these documents.

12 THE PRESIDENT: You already have a 2078-A.

13 MR. FREEMAN: 2078. It is a certificate for
14 A to G.

15 THE PRESIDENT: I think you had better mark
16 it exhibit 3108-A. It covers all the exhibits from
17 3104 to 3108, inclusive.

18 Call out that number.

19 CLERK OF THE COURT: Defense document 2078
20 will receive exhibit No. 3108-A.

21 (Whereupon, the document above
22 referred to was marked defense exhibit
23 No. 3108-A and received in evidence.)
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1 MR. FREEMAN: I next offer in evidence
2 defense document 2078-G which is a notification
3 dated February 3, 1944 having to do with intern-
4 ment facilities for prisoners of war. I desire to
5 read no part of this document.

6 THE PRESIDENT: Admitted on the usual
7 terms. The document exhibit No. 3108 is described
8 in my copy as defense document 2078-F and G. Ap-
9 parently G is a separate document.

10 MR. FREEMAN: I am sorry; the F and G are
11 separate documents but they did get attached to-
12 gether.

13 CLERK OF THE COURT: Defense document No.
14 2178-G will receive exhibit --

15 Correction: Defense document No. 2078-G
16 will receive exhibit No. 3109.

17 (Whereupon, the document above
18 referred to was marked defense exhibit No.
19 3109 and received in evidence.)

20 THE PRESIDENT: The certificate 3108-A
21 covers that also?

22 MR. FREEMAN: Yes.

23 THE PRESIDENT: We have not copies of G
24 yet unless it is part of F as it is expressed on
25 the face of F.

1 MR. FREEMAN: If the Tribunal please, may
2 F and G be taken together, then, as one document?

3 THE PRESIDENT: But is it one or two docu-
4 ments? It is described as two but it appears to be
5 one when you read it.

6 MR. FREEMAN: I shall not offer F then.
7 Just let it go.

8 THE PRESIDENT: Exhibit 3109 is cancelled.
9 There is no such exhibit now.

10 We have to be meticulously careful of this
11 numbering of exhibits where there are so many.

12 MR. FREEMAN: I next call the witness,
13 ODAJIMA, Tadashi.

1 T A D A S H I O D A J I M A, called as a witness
2 on behalf of the defense, being first duly
3 sworn, testified through Japanese interpreters
4 as follows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. ODAJIMA, will you give us your full
8 name and address?

9 A My name is ODAJIMA, Tadashi. My address,
10 110 Narimune 1-Chome, Suginami-ku, Tokyo.

11 MR. FREEMAN: May the witness see defense
12 document 2173 (revised)?

13 THE PRESIDENT: Colonel Mornane.

14 COLONEL MORNANE: If the Tribunal pleases,
15 this rather long affidavit refers to quite a number
16 of defense documents, to some of which we have ob-
17 jections. I have discussed the matter with my friend
18 and he proposes that as the witness comes to the
19 reference to the particular document in his evidence,
20 the document will then be handed to the Tribunal.
21 If it meets the convenience of the Tribunal, I would
22 prefer to object to the particular documents when
23 they are referred to by the witness, or when he
24 begins to deal with the paragraphs relating to them,
25 rather than make an over-all objection now.

1 THE PRESIDENT: His order of proof suggests
2 that that was his intention also.

3 COLONEL MORNANE: That is so.

4 THE PRESIDENT: We will follow that course.
5 BY MR. FREEMAN (Continued):

6 Q Mr. ODAJIMA, will you examine defense docu-
7 ment 2173 and see if that is your affidavit and if
8 it is, if you signed it?

9 A This is unquestionably my affidavit, but
10 two items have been left out.

11 Q Will you indicate those items?

12 A The items 17 and 18 are not included here.

13 MR. FREEMAN: If the Tribunal pleases,
14 apparently they are in the English translation but
15 not in the Japanese.
16

17 THE PRESIDENT: How did something get into
18 the English translation that is not in the original?

19 MR. FREEMAN: This affidavit has been re-
20 vised and apparently the Japanese of the old was
21 printed. The revision was an addition of two items.

22 THE PRESIDENT: The original must be re-
23 vised; the Japanese document must be complete. How-
24 ever, he can add to that as a result of further
25 questions by you in examination in chief.

Q MR. ODAJIMA, are the contents,

1 other than those corrections, of that document true
2 and correct?

3 A Yes.

4 Q Is the sheet of paper just handed to you --
5 is that the two items you referred to as being
6 missing?

7 A Yes.

8 Q With that addition, then, the document is
9 true and correct?

10 A Yes, correct.

11 MR. FREEMAN: I offer in evidence defense
12 document 2173 as revised and corrected.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Defense document 2173
15 will receive exhibit No. 3109.

16 (Whereupon, the document above
17 referred to was marked defense exhibit No.
18 3109 and received in evidence.)

19 MR. FREEMAN: I shall read into evidence
20 exhibit No. 3109, and if references occur in the
21 affidavit, will offer that reference in evidence.

22 "Item 1. I have occupied the posts of
23 senior official in the Prisoners of War Information
24 Office and senior member of the Prisoners of War
25 Supervision Department in the War Ministry since

1 March, 1943, and held the rank of colonel. The
2 Prisoners of War Supervision Department was abol-
3 ished in November 1945.

4 "During that period, I visited different
5 POW camps in the home island, Korea, Formosa, Man-
6 churia, etc. I not only know the fact about the
7 supervision of POW but also many reports forwarded
8 to the POW Information Bureau by chiefs of POW
9 camps and POW employers. Therefore, I want to tell
10 the facts relating to those matters.

11 "Item 2. At the beginning of 1944, due to
12 the fact that the health conditions of POWs were not
13 approvable, a notification concerning the improve-
14 ment of administration of POWs was issued to each
15 Commanding General of the Army who was in charge of
16 administration of POWs in the name of the Vice-
17 Minister of War."
18

19 Defense document 2007 has been offered in
20 evidence and is exhibit 3051.

21 "Item 3. Due to the fact that the sanitary
22 conditions of POWs aboard transport ships were not
23 approvable, a notification was issued to the units
24 concerned in December 1942, in the names of the
25 Vice-Minister of War and the Sub-Chief of the General
Staff, so as to call forth their attention concerning

1 transportation of POWs. The attached is a copy of
2 this notification, of which meaning was repeated in
3 the said notification issued in March 1944."

4 That is contained in exhibit 1965.

5 "Item 4. On December 26, 1943, Major General
6 HAMADA, Chief of the POW Administration Division,
7 War Ministry, expressed the intention of the War
8 Minister TOJO to the meeting of the commandants of
9 POW camps as to the inadmissibility of inflicting
10 mistreatment upon POWs by explaining to the follow-
11 ing effect:

12 "The purport of the address.

13 "While admitting that the treatment of POWs
14 must conform to the circumstances of respective
15 localities, I believe that we ought to be very care-
16 ful not to exceed the proper limits at all, prompted
17 by a sense of hatred. As such is nothing short of
18 the expression of antagonism in a petty manner, a
19 thing which is contrary to our 'Bushido' spirit,
20 as well as to the first principle of the present
21 Greater Asiatic War, which itself is a moral war.

22 "Especially we must consider the unlimited
23 evils of mistreatment as they, arising as they do
24 from trivial personal feelings, will not only aggra-
25 vate individual feelings on the part of the POWs

1 but will also constitute a measure for the degree of
2 culture of our country at large, and may help the
3 POW concerned in promulgating anti-Japanese propa-
4 ganda after his repatriation. Moreover, the most
5 part of the motives of mistreatment can be attributed
6 to the language difficulties and the improper under-
7 standing of rules and regulations on the part of
8 those in charge of POW administration, and it some-
9 times occurred that some of them were knocked down
10 by the enraged POW concerned in revenge. In such
11 an extreme case our disgrace will not be redeemed by
12 the penalty that the POW concerned will receive for
13 his violence.

14 "In this connection, I expect that you will
15 be especially careful in directing those under your
16 command, and improve every possible opportunity to
17 make the purport of this address known to every unit
18 concerned, and also to every unit or person employ-
19 ing POWs with a view to attain propriety in our
20 treatment of POWs.

21 "Note: I committed this purport of address
22 to writing in accordance with my memory, as its
23 original manuscript had been destroyed by burning.

24 "5. The Army Medical College is expected
25 to perfect the measures for the prevention of epi-
demics among POWs, and to provide for their medical

1 treatment. They also considered it proper to carry
2 out ~~the~~ bacteriological as well as the scientific
3 research of the malnutrition patients who were many
4 among POWs, and so from February 1943, they carried
5 out various thorough researches, by a specially de-
6 tailed research party, with the POWs detained in
7 Tokyo POW Camp. They had their results published
8 and thus contributed to the promotion of the general
9 state of health of the POWs.

10 "The circumstance of this investigation and
11 study may be known from two documents; one is the
12 document in the custody of the Japanese Government
13 POW Information Bureau --"

14 This is defense document 2006.

15 "-- and the other is defense document 2005
16 attached herewith."

17 I now offer in evidence defense document
18 2006. I do not desire to read any part of it.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document 2006
21 will receive exhibit No. 3110.
22

23 (Whereupon, the document above
24 referred to was marked defense exhibit No.
25 3110 and received in evidence.)

MR. FREEMAN: I also tender in evidence

1 defense document 2005, and desire to read paragraph
2 one on page one, through to the middle of page two.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Defense document 2005
5 will receive exhibit No. 3111.

6 (Whereupon, the document above
7 referred to was marked defense exhibit No.
8 3111 and received in evidence.)
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1 MR. FREEMAN: I now read paragraph 1 in
2 Exhibit 3111.

3 "(1) Generally speaking, the prisoners of war
4 are pale and under-nourished. Especially not a few
5 of the patients in hospitals have lost 20 to 30 per
6 cent of their pre-war weights. There may be many
7 causes for this poor undernourished condition, but the
8 most decisive of them seems to be the lack of proper
9 and sufficient supply of nutriment. These nutrition
10 troubles seem to have originated mostly during the
11 fighting and the subsequent POW camp life in the oc-
12 cupied areas. Though we recognize a general tendency
13 for gradual recovery after their landing in Japan,
14 there are not a few cases of malnutrition growing worse
15 and causing death.

16 "When we study the causes of the prisoners'
17 lack of proper and sufficient nutriment, we find that,
18 despite its sufficient caloric value, Japanese diet
19 causes, because of a fundamental difference of food
20 customs, a comparative lack of albumin and fat and
21 over-supply of carbohydrate, and as a result, the
22 prisoners suffer from want of main nutrition and vita-
23 mins, and begin to show symptoms of unbalanced nutri-
24 tions.

25 "Accordingly, what we must do seems to be to

1 obtain for them such food as suits their food cus-
2 toms and have them cook it to their taste. It seems
3 also necessary to prepare for sick people in the POW
4 camps and hospitals special food suiting their
5 taste. (They seem not to like rice-gruel.)

6 "As vitamin B deficiency diseases are most
7 noted, unpolished rice and barley should be given for
8 their main food, and for those who show marked cases
9 of neuritis or beriberi, an additional ration of rice-
10 bran should be effective."

11 THE PRESIDENT: When was that written, Mr.
12 Freeman?

13 MR. FREEMAN: According to the affidavit,
14 I assume it was sometime in 1943.

15 THE PRESIDENT: The only date I can see is
16 on page 5. It says February 23, which is obviously
17 incorrect.

18 MR. FREEMAN: It is my understanding that
19 this is 1943.

20 Continuing with the affidavit:

21 "Moreover, in accordance with the results of
22 the above-mentioned investigation and study, the Tokyo
23 POW Camp took immediate steps as described in the
24 attached defense document 2004," which I now tender in
25 evidence.

THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Defense document 2004
2 will receive exhibit No. 3112.

3 (Whereupon, the document above referred
4 to was marked defense exhibit 3112 and received
5 in evidence.)

6 MR. FREEMAN: I shall now read into evidence
7 exhibit 3112.

8 "Excerpt from TOKYO POW Camp Monthly Report
9 May Issue, 1943.

10 "Through general examinations for bacterial
11 infections given since January this year at the Army
12 Medical College for the prisoners of War (Confined at
13 this camp, and at the first, second, and fifth branch
14 camps) it was found that 183 prisoners had dysentery
15 amoebas, (7.9 per cent), 2 prisoners had dysentery
16 germs (0.09 per cent), one prisoner had paratyphoid-B
17 germs (0.04 per cent), 57 prisoners had diphtheria
18 germs (2.4 per cent) and 77 prisoners had malaria
19 germs (3.3 per cent).

20 "In consequence, the prisoners with such dis-
21 ease germs were immediately isolated in each branch
22 camp, and strict preventive measures were taken. At
23 the same time, every effort is being exerted in treat-
24 ing the prisoners and checking the spread of diseases.
25 However, the isolation of the prisoners with disease
~~germs in every separate branch camp cannot sufficient-~~

1 ly be carried out due to the fact that it will add
2 extra duties to the medical officers and that the
3 building and repairing facilities within the camps
4 and the disease preventive equipment are inadequate.

5 "Consequently in order to successfully carry
6 out the preventive measures, it was decided best to
7 assemble and isolate all the prisoners who have disease
8 germs in one place.

9 "A report to this effect has been made to the
10 authority and the preparation to establish attached
11 wards has already begun."

12 Continuing with the affidavit, item 6, page
13 3:

14 "6. General UMEZU, commander of the Kwantung
15 Army, taking seriously to heart the POW's state of
16 health and especially the number of epidemic cases
17 among them, issued special instruction in February
18 1943 to the Chief Supply Officer of the Kwantung Army
19 and the Officer-in-Charge of the Kwantung Army's Anti-
20 infection and Water Supply Main Depot to the effect
21 that the medical service at the Mukden POW Camp be
22 strengthened by allotting or despatching many medical
23 personnel to this camp, in order to take steps for the
24 immediate restoration of the POW's physical strength,
25 and to help and direct the medical service at this
camp, (defense document 2003),"which I now tender in

1 evidence.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Defense document 2003
4 will receive exhibit No. 3113.

5 (Whereupon, the document above referred
6 to was marked defense exhibit 3113 and received
7 in evidence.)

8 MR. FREEMAN: I shall now read into evidence
9 paragraphs 1, 2, 3, and 4 of exhibit 3113.

10 "1. The Chief supply officer of the Kwangtung
11 Army shall despatch as soon as possible the following
12 number of persons from the battalion under his command
13 to the Mukden prisoner of war camp and they shall be
14 under the command of the chief of the said camp.

15 "Medical Officer 1

16 "Medical Petty Officers 2

17 "Medical orderlies 10

18 "2. The Chief of the Mukden prisoner of war
19 camp shall strengthen the hygiene service and exert
20 yourself to restore the physique of the prisoners of
21 war immediately, making use of the above personnel.

22 "3. The Chief of the Kwangtung Army HQ shall
23 dispatch as soon as possible about the following number
24 of persons to the Mukden POW Camp and they shall assist
25 and direct the sanitary service of the said camp.

"Officers 5

"Petty Officers 5

"Men about 10

"4. As to the details, in addition to obtaining the direction of the Chief of the Army Medical Services, the commanders concerned shall make arrangement.

"General UMEZU, Commander in Chief, Kwantung Army."

The annexed defense document 2002 is the copy of the instructions and the account of the state in which the health service was carried out.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document 2002 will receive exhibit No. 3114.

(Whereupon, the document above referred to was marked defense exhibit 3114 and received in evidence.)

MR. FREEMAN: I shall now read into evidence one half of page 4 of exhibit 3114, beginning with the words "Anglo-American officers."

"Anglo-American officers and men surrendered and taken captive by the formidable onslaught of Japanese army at Corregidor and Bataan were in a condition of being extremely worn out by desperate fight, lacking in food-materials and suffering from pestilence.

1 For a certain purpose, it was decided that 1485 priso-
2 ners of them be put in the Mukden POW Camp. Since
3 December of last year they were in transportation
4 and during the difficult voyage, being constantly men-
5 aced by enemy's submarines, the food-supply turned out
6 inevitably very bad; consequently the general health-
7 situation of prisoners became much worse, and on the
8 way, at Fushian and other places, 57 persons died.
9 At present, those who are under treatment in the squad
10 are 160 persons, epidemic-patients (mainly A. type para-
11 typhus) in the Mukden military hospital are 8 persons
12 and those who are healthy and engaged in daily work
13 are no more than about 300 persons." *****
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THE PRESIDENT: Colonel Mornane.

LIEUT. COLONEL MORNANE: If the Tribunal pleases, the prosecution objects to the next two paragraphs of the witness' affidavit. The first paragraph -- paragraph 7, that is -- is based on the findings -- the alleged finding of a letter among the effects of a Major General Beckwith Smith. The letter purports to come from Lieutenant General YAMASHITA, and the witness used the fact that such a letter was written to draw the conclusion that Major General Beckwith Smith received certain goods from YAMASHITA.

I would submit that the Tribunal could not draw such an inference from the mere finding of a letter there.

THE PRESIDENT: The charges in the Indictment will not be met by proving that one general gave some beer and cheese to another.

LIEUT. COLONEL MORNANE: With regard to paragraph 8, the first sub-paragraph recites what is already in evidence: Regulations for the Treatment of Prisoners of War. Then it goes on to recite further regulations and finally ends up with the tender of defense document 2000. This is a newspaper report of a funeral ceremony held after the surrender

1 of the Japanese. It also goes on to recite how, for
2 the past three years, a Buddhist priest had preserved
3 the ashes of various prisoners of war.

4 MR. FREEMAN: If the Tribunal please, I do
5 not intend to offer that in evidence. I have so in-
6 formed Colonel Mornane. It has no certificate, and
7 I feel it is absolutely worthless.

8 THE PRESIDENT: What about General YAMASHITA's
9 letter?

10 MR. FREEMAN: I offer it in evidence for
11 what it is worth.

12 THE PRESIDENT: Who wrote the letter, Gen-
13 eral Beckwith Smith or General YAMASHITA?

14 MR. FREEMAN: It is a letter written by
15 General YAMASHITA.

16 THE PRESIDENT: What probative value has it?

17 MR. FREEMAN: The main thing, if your Honor
18 please, is that it indicates that even that early
19 food was a problem. That's 1942.

20 THE PRESIDENT: Admitted on the usual terms
21 for what it is worth.

22 CLERK OF THE COURT: Defense document 2001
23 will receive exhibit No. 3115.

24 (Whereupon, the document above
25 referred to was marked defense exhibit

1 No. 3115 and received in evidence.)

2 THE PRESIDENT: What are you going to do
3 with it, read it?

4 MR. FREEMAN: Well, paragraph 7 has not been
5 read. I will read paragraph 7 first:

6 "From a letter found among the effects left
7 by the late Major General M. P. Beckwith Smith, a
8 POW, which was in the custody of the Japanese Govern-
9 ment POW Information Bureau, the following fact was
10 revealed:

11 "In 1942, General YAMASHITA, the Commander
12 of the 25th Army at Singapore at that time presented
13 such articles of comfort as beer, butter and cheese
14 along with a cordial letter of comfort to the general
15 officer POW's who were detained at Singapore.

16 "The attached is a copy of the letter."

17 I shall read exhibit 3115:

18 "July 7th 1942

19 "Major-General Beckwith-Smith

20 "Dear General Beckwith-Smith,

21 "As a small token
22 of my personal interest in your welfare, and a prac-
23 tical ~~con~~tribution to your own comfort, I sent you
24 thirty tins of butter, thirty tins of cheese, 150
25 bottles of beer and a bottle of sherry.

1 "With compliments and best wishes,

2 "Yours sincerely,

3 (sgd) "Lieut-General YAMASHITA."

4 THE PRESIDENT: Of course, there is no proof
5 that they were received.

6 MR. FREEMAN: If the Tribunal please, I
7 understand this was found in his effects.

8 THE PRESIDENT: I said there is no proof that
9 the beer and the sherry and the butter and the cheese
10 were received by the British General. However, do
11 not bother.

1 MR. FREEMAN: I shall skip paragraph 8 and
2 begin with paragraph 9:

3 "The feelings of the nation toward POW's can-
4 not be declared to have been cordial. As air-raids
5 became more intensified and as the number of those
6 who had lost their kin the war became more numerous,
7 it was considered that these feelings were more ag-
8 gravated.

9 "In consequence, the proper treatment of the
10 POW's by the Army was censured everywhere that the
11 Army was according too good treatment to the POW's.
12 And again POW staffs were looked upon by the nation
13 at large with apathy, and were criticized by them
14 as if they were unpatriotic to the State. There were
15 instances that such staffs were disturbed by some of
16 such unthinking people in the execution of their
17 duties in connection with the POW administration.

18 "The attached shows some examples of such
19 censures and disturbances."

20 I offer in evidence defense document 2113.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 2113
23 will receive exhibit No. 3116.

24 (Whereupon, the document above
25 referred to was marked defense exhibit

1 No. 3116 and received in evidence.)

2 MR. FREEMAN: I shall read in evidence
3 exhibit No. 3116:

4 "The report of Colonel HOSIO, the head of
5 HAKODATE Prisoners' Camp.

6 "(a) On 11th of March 1945 HAKODATE Gen-
7 darmerie Detachment received the following letter:

8 "'Which do the military authorities take more
9 care of -- the prisoners of war or the people? Japan
10 cannot win the war so long as she neglects her people
11 and cherishes the prisoners of war, can she? We are
12 engaged in labor more than 12 hours a day, with the
13 rationed rice not more than 3 'go.' If such state
14 of things lasts any longer we should be very anxious
15 about the future of Japan.'

16 "Report of Colonel MURATA, the head of OSAKA
17 Prisoners' Camp.

18 "(b) It occurred once that a number of
19 Japanese who happened to cast furtive glances at the
20 supplementary food to be supplied to prisoners at each
21 place of working in Umeda Branch, Osaka, of the Japan
22 Transportation Company, assaulted a squad-head, one
23 of the Japanese leaders on the spot, saying, 'Despite
24 the fact that we Japanese people are rationed daily
25 less than the additional food allotted to the prisoners

1 of war for a time, the prisoners are provided with
2 such plentiful addition besides their daily meals.
3 They are too well treated."

4 THE PRESIDENT: What does this go to prove?
5 These trivial details do not prove a thing. We all
6 get anonymous letters and disregard them; and crazy
7 individuals will do anything.

8 MR. FREEMAN: If the Tribunal please, you
9 will find that that more or less became the general
10 attitude of most of the Japanese people as food became
11 more scarce.

12 THE PRESIDENT: It could only help if you
13 could show the people of Japan got out of hand and
14 the accused could do nothing with them, and you are
15 not attempting to do that.

16 We will recess for fifteen minutes.

17 (Whereupon, at 1045, a recess was
18 taken until 1100, after which the proceed-
19 ings were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Freeman.

4 MR. FREEMAN: If the Tribunal please,
5 continuing with the affidavit, item 10, at the top
6 of page 4:

7 "10. With a view to rectifying the nation's
8 feeling towards POWs, the army, before quartering
9 POWs at respective camps, used to send some members
10 of the staffs concerned to the localities where such
11 camps were situated to explain to the officials and
12 people of the localities, especially to those who had
13 been granted by the army to employ the POWs, how to
14 treat the POWs until they understood so thoroughly
15 that there was no fear that undesirable troubles might
16 occur in this connection. Even after POWs were quartered,
17 the staff concerned improved every opportunity to
18 rectify the people's ill feelings towards POWs.

19 "And again at some POW camps, liaison con-
20 ferences between the POW camp authorities and the
21 organizations employing POW labor were held once or
22 more a month, in order to prevent the occurrence of
23 any unpleasant troubles in the treatment of POWs.
24 (The reports of various POW camp commandants have been
25 consulted in drawing up this article.)

1 "The attached is a copy of record written
2 by some member of the Port of Osaka Coast Stevedores
3 Union according to his memory about the remarks made
4 by Colonel MURATA, the Commandant of the Osaka POW
5 Camp at the time (defense document 2114)."

6 I offer in evidence defense document 2114
7 which is an affidavit but it is my understanding that
8 prosecution does not desire to cross-examine.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document 2114
11 will receive exhibit No. 3117.

12 (Whereupon, the document above
13 referred to was marked defense exhibit
14 No. 3117 and received in evidence.)

15 MR. FREEMAN: I read exhibit 3117, beginning
16 with paragraph 2:

17 "I have been in the service of the Osaka Long-
18 shoremen's Control Guild since April of the 16th year
19 of Showa (1941).

20 "I hereby vouch for the fact that MURATA,
21 Sotaro, ex-colonel and commander of the Osaka POW
22 Camp, called up to a meeting those concerned in POWs'
23 labor supervision in about September in the 18th year
24 of Showa (1943), to the Head Office of the Osaka POW
25 Camp in Minato-ku, Osaka City, where he gave them

instructions as per appended papers.

"Instructions

"A. The prisoners of war are of course enemy nationals, but they are fine soldiers. Now taken prisoner, with freedom lost and without arms, they are like infants. Therefore, private punishment will not be applied to them either by use of force or by other means. If there is any offender, he will be given just punishment at this POW Camp according to international law. So you must treat them as good people.

"B. It is my desire that, lest they should suffer from ill health as a result of labor, that those to whom they are allotted labor, for work take every possible care about their food, drink and sanitation and supply them with abundant calories.

"On this 13th day of May, 1946."

Continuing with the affidavit, paragraph 11:

"11. The rule laid down"--

THE PRESIDENT: Colonel Mornane.

COLONEL MORNANE: If the Tribunal please, I wish to object to the defense document, 1996, referred to in this paragraph. This document apparently is tendered as an official document in the custody of the Prisoner of War Intelligence Bureau. There is nothing

1 to show how and when it came into existence nor what
2 camps it covers nor what period is referred to. There
3 is a note to the effect on the third page of it saying
4 that in this table is contained the materials gathered
5 at the meeting of chiefs of war prisoners camps held
6 on the 27th of September 1946 belonging to Osaka War
7 Prisoners Camp. If that date is correct, of course,
8 it has been prepared after the war and I would submit
9 that under no circumstances, unless this witness has
10 himself prepared the document from records that were
11 available to him, then it is inadmissible as an
12 official document. But even if that date is wrong,
13 then I submit that it should show whether they were
14 the rations actually delivered or the rations laid
15 down to be delivered, whether they applied to every
16 camp or a particular camp, or whether they applied to
17 a particular period or whole period.

18 MR. FREEMAN: If the Tribunal please, I am
19 informed that that is an error for it should be 1944.
20 That is the date Colonel Mornane just referred to.

21 THE PRESIDENT: You will have to give us
22 some evidence of its authenticity as well as of its
23 date. Ordinarily that gives no trouble where a cer-
24 tificate is produced.

25 MR. FREEMAN: If the Tribunal please, I have

1 not offered it in evidence yet so I will withhold it
2 until that correction can be made.

3 Leaving out reading then the paragraph that
4 refers to this document I begin with the next paragraph:

5 "The ration for POWs at every POW camp was
6 almost all supplied by the army, and so there was no
7 case of supply of such ration having ever failed to
8 be carried out.

9 "The subsidiary foodstuff for POWs different
10 from the case of the staple food was issued to POWs from
11 the army, not in kind, but in fixed allowance amount.
12 The POW camp authorities supplied necessary foodstuff
13 to POWs by purchasing it from dealers or markets with
14 this fixed allowance. But as the nation's feelings
15 towards POWs gradually became aggravated, some people,
16 seeing that there were considerable difference between
17 the rations issued to the nation on one part and the
18 POWs on the other, and that the POWs were daily supplied
19 with fish, etc., things not to be obtained by the general
20 public, became envious, and they either blamed the POW
21 camp staffs, who were doing their best in feeding the
22 POWs or, as in the case of some of them, went so far as
23 to interfere with their purchase of foodstuffs.

24 "But the POW camp staffs continued their
25 efforts single-mindedly in securing the amount of

1 foodstuff required for maintaining the POWs under.
2 their charge in a healthy condition, in the face of
3 such undeserved blames and interference. At every
4 POW camp, the staffs, in their effort to obtain the
5 required foodstuff smoothly, maintained a close con-
6 tact with the distributory organizations, and the city,
7 town or village authorities, police stations or agri-
8 cultural societies, and when they found that someone
9 concerned were unreasonable, they did their best in
10 leading them to the right path.

11 "The staffs, when they succeeded in obtaining
12 the required stuff, paid attention to such details
13 in carrying such foodstuff into the camps as to cover
14 it over, or to do the carrying at night, in the sole
15 hope of not exciting the general public's antipathy.

16 "As the food situation at home became so
17 acute that it was difficult to secure enough foodstuffs
18 through legitimate distributory organization, the POW
19 camp authorities had to increase their efforts in this
20 connection.

21 "At every POW camp hitherto unutilized land
22 was quickly turned into kitchen gardens in the hope of
23 growing corn or vegetables to help the self-supply of
24 at least a portion of the foodstuffs required. Some-
25 times the staffs had to go out far, with truck or, in

1 the extreme case, with wagons manned by the staffs
2 themselves, to purchase foodstuffs. At other times
3 the staffs went to a fishing port before dawn and there
4 waited long for the arrival of fishing boats to buy
5 fish from them at black market prices. Thus they left
6 no effort untried for obtaining foodstuffs even in
7 violation of the food distributory system.

8 "Some troubles occurred between a POW camp
9 commandant and the organizations employing POW labor,
10 when he approached the responsible persons of the
11 companies or factories with requests to supply some
12 reasonable amount of supplementary food to the POWs.

13 "But most employers of POW labor supplied,
14 out of their foodstuffs in stock, such supplementary
15 food as macaroni, riceballs, soups or bread to the
16 POWs in their employ. And some such employer even
17 supplied to the POWs a part of such food which was
18 originally intended to be issued to the Japanese work-
19 men. The attached (defense document 1998) shows the
20 result of the investigation made at the main localities
21 in Japan proper about the condition of the supplementary
22 food issue."

23 THE PRESIDENT: Colonel Mornane.

24 COLONEL MORNANE: If the Tribunal pleases, I
25 object to this document on the same grounds. It is

1 obviously a document prepared after the conclusion
2 of the war, after the surrender of the Japanese. It
3 refers to what happened in one place up to the 15th of
4 August 1945, that is on page 3, so presumably this
5 document comes into existence for the purpose of being
6 used in evidence in this case, and I submit as such
7 that it is not an admissible document here.

8 Surely, the right way would be for the person
9 who has consulted the records and prepared this document
10 to be called as a witness so he can speak as to the
11 records he has consulted.

12 MR. FREEMAN: If the Tribunal pleases, I have
13 not tendered this document. I would like for it to be
14 tendered in evidence before the objection is considered.

15 THE PRESIDENT: Who prepared it?

16 MR. FREEMAN: This document comes from the
17 Prisoner of War Intelligence Bureau.

18 THE PRESIDENT: Technically, it comes within
19 the Charter but what probative value has it? That is
20 the question. It may be in the nature of a self-
21 serving statement.

22 MR. FREEMAN: It purports to be that additional
23 supplies were given prisoners of war who were employed
24 in factories.

25 THE PRESIDENT: Does it in turn refer to

1 documents in existence at the relative times?

2 Yes, it is pointed out to me that it does
3 purport to be such a document because it refers to
4 other documents--

5 MR. FREEMAN: Yes.

6 THE PRESIDENT: --which, however, are not
7 produced. It is those other documents which would
8 have probative value if they exist and if they were
9 made at the time that these things were done. Perhaps
10 you had better withhold this until you get the docu-
11 ments on which it is based.

12 MR. FREEMAN: All right.

13 THE PRESIDENT: Then you can tender those
14 documents for identification, if necessary.

15 MR. FREEMAN: I withdraw the document.

16 Continuing with the affidavit, page 5, third
17 paragraph from the bottom:
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1 "By the strenuous efforts of the POW camp
2 staffs and the cooperation of the POW labor employers,
3 the feeding of POW's was carried out smoothly, and the
4 ration issued to an individual POW amounted to 3,000
5 calories or more in nutrition value, and this was
6 considered to be approximately sufficient for main-
7 taining a POW's health.

8 "Of course, as with the special local circum-
9 stances or the effect of the current season, a part of
10 POW camps felt it extremely difficult to obtain sub-
11 sidiary food stuffs, with consequent decrease in the
12 amount of food issued to POW's. But this was only a
13 temporary phenomenon and could by no means be properly
14 attributed to any negligence in duty on the part of
15 the POW camp staff concerned.

16 "According to a document in the custody of the
17 Japanese Government POW Information Bureau, the calcu-
18 lation of the amount of nutritive value of staple and
19 subsidiary food as issued to POW's is shown in the at-
20 tached copy. (Defense documents 1997 and 1999)"

21 I offer in evidence defense document 1997.
22 I do not desire to read any part.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Defense document 1997
25 will receive defense exhibit number 3118.

1 (Whereupon, the document above referred
2 to was marked defense exhibit number 3118 and
3 received in evidence.)

4 MR. FREEMAN: I tender in evidence defense
5 document 1999, which is a table of the distribution
6 of food. I do not desire to read any part of it.

7 THE PRESIDENT: Colonel Mornane.

8 COLONEL MORNANE: If the Tribunal pleases, I
9 object to this document too, on the same grounds on
10 which I objected to the previous document. In add-
11 ition, there is no statement from where it comes at
12 all.

13 THE PRESIDENT: There is no statement on its
14 face, and no certificate as to its origin. It must
15 be rejected, but perhaps you will withdraw it until
16 you can have it authenticated, Mr. Freeman?

17 MR. FREEMAN: I withdraw the document.

18 Continuing with the second paragraph, on page
19 6:

20 "As to 'taking POW's national and racial cus-
21 toms into consideration', every POW came was very
22 careful, and especially they paid attention to the
23 issue of bread ration, animal albumen and fat, as well
24 as to the manners of cooking. At many POW camps, bak-
25 ing ovens were provided, and they had their yeast

1 prepared by their own cooking detail. At some other
2 POW camps POW's were allowed to do their own cooking
3 and they were also consulted in preparing their menus.
4 The attached (defense document 1995) is a copy of menu
5 of a certain day at the Hiroshima POW camp."

6 I offer in evidence defense document 1995.

7 I do not desire to read any part thereof.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document 1995
10 will receive exhibit number 3119.

11 (Whereupon, the document above re-
12 ferred to was marked defense exhibit number
13 3119 and received in evidence.)

14 MR. FREEMAN: Continuing with the affidavit,
15 item 12 on page 6:

16 "12. As to the medical treatment of POW's,
17 every POW camp staff made enormous efforts. Espec-
18 ially when, with the progress of the war, medicaments
19 gradually became so scarce that the supply from the
20 Army proved insufficient, they were compelled to make
21 especial efforts for the maintenance of POW's health,
22 as, for instance, to obtain medicaments from druggist
23 or to go to mountains or fields for collecting herbs.

24 "The employers of POW labor also cooperated
25 with us in the utmost degree. Some of the examples of

1 such cooperation are shown in the attached.

2 "(1) Colonel MURATA, Commandant of the Osaka
3 POW Camp, seeing that many of POW's under his charge
4 were suffering from under-nourishment, instructed
5 Surgeon Lieutenants NOSU and OHASHI to carry out a
6 thorough study and investigation of the situation.
7 The two surgeons obtained useful materials for inform-
8 ation and published them, and they also established a
9 measure of cure for this kind of disease. The attach-
10 ed is the essay born from their investigation (defense
11 document 1994)."

12 I offer in evidence defense document 1994.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Defense document 1994
15 will receive **exhibit No. 3120**.

16 (Whereupon, the document above re-
17 ferred to was marked defense exhibit number
18 3120 and received in evidence.)

19 MR. FREEMAN: I desire to read on page 5, in
20 the fourth paragraph, beginning with the second sen-
21 tence, the words, "One thing". That is page 5 of the
22 English text:

23 "One thing here to mention specially, however,
24 is that, since this May the food allotment for the POW's
25 has been considerably improved and the index number

1 for the nutritive value of the POW's food in the de-
2 tached camps is now gradually going upward and does
3 not sink below 3,000 calories in general. So we can
4 now reasonably expect a gradual decrease in number of
5 malnutritious diarrhea cases in the future, and the
6 eradication of this sort of causes may be attained
7 very soon."

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1 Page 9 of the English text:

2 "It is necessary to feed POW workers with
3 food of over full 3,000 calories a day, namely, 550
4 gram of carbohydrate, 57 gram of fat and 70 gram of
5 protein, not to mention suitable quantity of various
6 elements of nutrition. It is especially to be men-
7 tioned that this degree of nourishment is not only
8 necessary to the POW workers but absolutely indispen-
9 sable to the POW patients resting in the attached in-
10 firmary. It is almost needless to emphasize on the
11 necessity of alimentotherapy or dietary cure in the
12 treatment of disease in general. Most of the POW
13 patients have been suffering already from the food
14 deficiency and there is no other way of cure than the
15 alimentotherapy.
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17 "It must be said to be a great advancement
18 in the dietary treatment of POWs that considerable
19 improvements in dietary accommodation were made in all
20 detached camps since May 1944, especially after the
21 introduction of special preparations of soya-beans,
22 bones and visceras of cows and fish-meals for protein
23 supply; as a result gradual decrease of the food
24 deficientious diarrhoea. The food deficientious
25 diarrhoea can be cured with dietary treatment as its
best countermeasure lies in the improvement of the

1 nutritive value, sufficient supply of protein, in
2 especial.

3 "It is noteworthy, however, that the food
4 deficiency prevalent among the POWs often accompanies
5 the symptoms of partial deficiency of various nutritive
6 elements, especially of vitamin. We very often
7 clinically detected the cases of malnutrition ac-
8 companying beriberi or pellagra. In such cases, if
9 we pay too much attention to the concurrent symptoms
10 and treat by giving vitamins, neglecting to take care
11 of the principal disease, then it would eventually
12 lead to an undesirable prognosis.

13 "Our recent experience showed that, in not
14 a few cases, stressed dietary treatment for consider-
15 ably serious patients of malnutrition with beriberi
16 lead to the cure of serious beriberi alongside with
17 the recovered nutrition.

18 "When we found many cases of malnutrition
19 with beriberi or peripheral nervous inflammation among
20 the POWs newly transferred from abroad to the Amaga-
21 saki Detached Camp this August, we applied not vitamin
22 pills but merely a countermeasure of devices on re-
23 covery of nutrition, dosing of rice-bran and moderate
24 sun-bathing with the result that they could be cured
25 in a very short time. This is obviously a noteworthy

1 instance."

2 Continuing with the affidavit, item 2:

3 "At the Tokyo POW Camp, penicillin, which
4 was then very difficult to obtain even by the Japanese
5 Army, not to speak of the civil population, was once
6 applied to a POW in that camp for his treatment.

7 "(3) In spring of 1945, Captain NUMAJIRI,
8 commander of Ashio Branch Camp, believing it to be
9 most adequate measures judged from the condition of
10 the patients, that those serious patients of beri-
11 beri, namely, Nise, Porter, Carril, Gutzman, Muraby
12 and three others totaling eight persons should be
13 transferred to an infirmary attached to the Tokyo
14 Main Camp as soon as possible, and relying on the
15 excellent skill of Surgeon Captain TOKUDA, Chief of
16 the Infirmary, succeeded, after conducting difficult
17 negotiations with various parties concerned despite
18 many objections and blame raised against the measures
19 in preparing a special automobile for the transport
20 of these patients. At last, these patients were
21 transferred all the way from Ashio to Tokyo by auto-
22 mobile and were confined in Shinagawa Infirmary where
23 they recovered. It is some 90 miles far from Ashio
24 to Tokyo and if it had been a case of Japanese patients
25 such warm treatment as stated above could not have been

1 expected to be received from him, judging from the
2 traffic situation prevalent at that time. I was told
3 the above information directly from Captain NUMAJIRI.

4 "(4) In the last of 1944 an army sergeant
5 AIZAWA and an ambulance man KUBOTA of Niigata POW
6 Camp who had in critical condition a case owing to
7 acute pneumonia and they sat up with the sick POW
8 throughout three days and nights and at last they made
9 the POW an escape from the jaws of death. In this
10 connection POW Senior Officer Fulmer, Richard D.,
11 expressed an appreciation representing all of the POWs
12 to the camp authorities.

13 "(5) On 11 October 1945 the Osaka POW Camp
14 received unexpectedly an order for the internment of
15 POWs who had been transferring to Japan proper aboard
16 'Risbon' Maru, having been fatigued due to shipwreck.
17 Due to many cases of dysentery, acute colitis and
18 diphtheria among them, these POWs could not be trans-
19 ferred from Moji, the landing place, to Tokyo as
20 scheduled.

21 "Therefore, following the instruction of the
22 senior officer, these prisoners of war were en bloc
23 into Osaka POW Camp. Thereupon, staff personnel of
24 Osaka POW camp assumed the charge of internment and
25 disposition of these patient POWs, furnishing them

1 with gauze, newspapers and toiler paper, etc., which
2 were gathered from the homes of the staff personnel,
3 regardless of dangers for infection with these di-
4 seases upon themselves. (Report of Col. MURATA,
5 Commander of Osaka POW Camp).

6 " (6) Many factories which employed prisoners
7 of war, such as Nihon Seitetsu Kamaishi Seitetsusho,
8 Hirohata Seitetsusho, Kamaishi Kogyosho, Kamioka
9 Kogyosho, etc., sent a great quantity of medicines to
10 POW's Camp, as gifts, and tried to help them.

11 "13. Cases where prisoners of war adminis-
12 trator and civilian concerned received several hun-
13 dreds of letters of thanks, addresses of thanks, or
14 letters of gratitude wherein prisoners of war ex-
15 pressed gratitude for their fair treatment as prisoners
16 of war; and for their efforts made for the sake of
17 POW's happiness, are too numerous to be mentioned.
18 Three of the representative cases is shown in the
19 attached documents, 1991, 1992, 1993."

20 I offer in evidence defense document 1991.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 1991
23 will receive exhibit No. 3121.
24

25 (Whereupon, the document above
referred to was marked defense exhibit

No. 3121 and received in evidence.)

MR. FREEMAN: I read into evidence exhibit 3121, beginning with item 5:

"5. Commander Hayer, a senior officer to this internment camp tendered the following letter of appreciation in behalf of the internees to express gratitude for the various entertainments given on Christmas Day, 25 December.

"December 26, 1944.

"To Colonel SAKADA, Chief of the Tokyo POW Camp.

"In behalf of all the prisoners of war in the Tokyo POW Camp, I wish to express our warm appreciation for being allowed to enjoy a wonderful Christmas Day. For us prisoners here this day means so much and the fact that we are able to celebrate this day according to the customs of our country is indeed a privilege.

"The majority of prisoners here, who are separated so far from their homes and families, have already observed Christmas twice in this camp but I am certain that this was the merriest of all. Had it not been for the Japanese military authorities we would not have been able to enjoy this day.

"I wish to express again our heartfelt

1 appreciation to Colonel SAKADA and his subordinates
2 for their efforts in making our Christmas so enjoy-
3 able.

4 "Mayer, Commander, U. S. N."

5 I next tender in evidence defense document
6 1992.

7 THE PRESIDENT: Colonel Mornane.

8 COLONEL MORNANE: If the Tribunal please,
9 I object to its introduction. It purports to be an
10 extract from the Nippon Times of 8 August 1943.
11 I would submit that there is no proof of authenticity
12 of the letter from the fact that it was published in
13 the newspaper.

14 MR. FREEMAN: These letters are being of-
15 fered for what probative value they have. They
16 are certified to as appearing in the Nippon Times of
17 August 8, 1943 by the managing editor.

18 THE PRESIDENT: Well, there are the names of
19 two persons given, J. H. Smith, Lieutenant, and
20 J. Spencer Burger, U. S. Navy, but we do not know
21 whether those people exist. They may be fictitious
22 for all we know.

23 I think the majority of the Court are
24 against accepting these newspaper accounts during the
25 war. The objection is upheld and the document

1 rejected.

2 MR. FREEMAN: I next offer in evidence
3 defense document 1993.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Defense document 1993
6 will receive exhibit No. 3122.

7 (Whereupon, the document above
8 referred to was marked defense exhibit
9 No. 3122 and received in evidence.)

10 MR. FREEMAN: I shall read into evidence
11 exhibit 3122:

12 "To: The Medical Director and Staff,
13 Seitetsu Hospital, Hirohata, Japan.

14 "From: Sidney E. Seid, Captain, Medical
15 Corps, U. S. Army.

16 "For almost two years I have been the
17 Prison Camp surgeon at the Prisoner of War Camp at
18 Hirohata. During this time you have helped care for
19 the Prisoner of War Camp at Hirohata. During this
20 time you have helped care for the prisoners. You
21 have equipped our dispensary with medical and
22 surgical instruments. You supplied us with medicines
23 and surgical supplies, and were relatively generous
24 with them, even when those items were very scarce and
25 difficult to obtain. Your staff physicians gave

1 medical and surgical consultations. You loaned me
2 medical reference books. You also x-rayed our patients
3 when it was required.

4 "I know how busy your staff has been, and
5 I know how scarce medical supplies have been in Japan.
6 Therefore, I can and do appreciate what you have
7 done for us.

8 "I am writing you this letter as I leave
9 Japan, so that you and whoever else reads this letter
10 may know that I acknowledge the fine spirit in which
11 you acted toward us. You and your staff have treated
12 us so much more fairly and honorably than others,
13 that you deserve commendation for it.

14 "May the scars of war soon heal. May you
15 and your staff have success and happiness in the
16 years to come.

17 "Sidney E. Seid, Capt (MC), U. S. Army."

18 THE PRESIDENT: How is that date to be read?
19 How are those figures to be read on page 1, "20. 8. 22."?
20 whatever way you read them, they are the wrong date
21 in respect of this war.

22 MR. FREEMAN: That is August 22, 1945.

23 THE PRESIDENT: Is that 20 Showa?

24 MR. FREEMAN: Yes, it is.

25 THE PRESIDENT: It does not say so, and I

1 did not know that an American would use that method
2 of expressing the date anyhow.

3 MR. FREEMAN: That is probably an entrance
4 of the date of receipt of it.
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1 Continuing with the affidavit:

2 "14. The text of statement made by the
3 Apostolic Delegation in Japan in its report to the
4 Pope concerning the treatment of POWs by the Japanese,
5 is shown as follows: This is a copy of document in
6 the custody of POW Information Bureau, defense docu-
7 ment 1990," which I am offering in evidence.

8 THE PRESIDENT: Colonel Mornane.

9 COLONEL MORNANE: If the Tribunal pleases,
10 I object to this document. The seal immediately under
11 the circle sets out how the document came into exist-
12 ence:

13 "For your information, I report that according
14 to the telegram from our Domei correspondence at Berlin,
15 a London Times correspondent at Melbourne in his
16 cablegram, dated May 24th, informed the report of the
17 Pope's envoy in our country regarding our treatment
18 of POWs as follows."

19 It is really like a newspaper report that
20 has come through two or three agencies before it
21 appeared in the newspaper. I submit there is nothing
22 to show its veracity.

23 THE PRESIDENT: And we cannot take opinions
24 even from nuncios as to whether international law is
25 observed or not.

1 It looks like something emanating from a
2 Japanese newspaper during the war and in the same cate-
3 gory as the last document rejected. Can you distinguish
4 the two?

5 MR. FREEMAN: I will withdraw the document.

6 THE PRESIDENT: You say you withdraw this,
7 Mr. Freeman?

8 MR. FREEMAN: Yes.
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Continuing with the affidavit:

"15. Officer prisoners of war have never been ordered or enforced to be employed at work. 'Officer prisoners of war may be allowed to be employed on work of their own choosing.' This is a provision provided for in Article 1 of the Regulations on the Work of Prisoners of War (Exhibit 1965). In each camp, they encouraged officer prisoners of war to be employed on work of their own choosing with various reasons. With respect to the work of officer prisoners of war notification, dated June 3, 1942, was made from Director of POW Administration Division of War Ministry to the units concerned, requesting that officer prisoners of war should be employed on work of their own choosing."

If the Tribunal please, beginning there with "In..." down through those seven reasons, that is already in evidence and so I will not read that.

Beginning with Item (1):

"(1) Officer prisoners of war were encouraged to be employed on work for the purpose of health.

"It is more harmful than good for health to lead an idle life, and suffering from ennui would cause them to be spiritually weak; therefore, encouragement was given to them to engage in slight farm work or raising of live stocks.

1 "(2) Also for the purpose of rectifying the
2 Japanese people's feeling toward prisoners of war,
3 they were encouraged to be employed on work.

4 "It was afraid that the fact that those
5 officer POWs who were not employed on work were allowed
6 to receive much more ration than that of Japanese
7 nationals and Japanese military officers, would be the
8 cause of aggravating national ill-feelings toward POWs;
9 which would, in consequence, be the cause of occurrence
10 of bad influence upon administration of whole POWs.

11 "Thereupon, explaining that, under the state
12 of war, every country in the world had deep anxieties
13 respectively regarding the food distribution and that,
14 even though they were in captivity, it was their human
15 duty to be employed more or less in the work of self-
16 supporting, they were encouraged to be employed on
17 work.

18 "(3) From a parent's heart whose desire was
19 that an increased ration be given to officer prisoners
20 of war, considering the food situation in Japan, offi-
21 cer prisoners of war were so encouraged to be employed
22 on work.

23 "With the development of the war, the food
24 situation in Japan became more and more difficult, and
25 the staple food for both military personnel and

1 nationals were inevitably decreased; besides, it
2 became difficult all the more to obtain subsidiary
3 foodstuff.

4 "This state of affairs inevitably affected
5 prisoners of war. Whereas, up to June 1944, officer
6 prisoners of war had received 420 grams of staple
7 food ration and non-commissioned officer and private
8 prisoners of war had received 570 grams (however,
9 additional amount of ration up to 220 over 570 grams
10 was increased in accordance with the type of work and
11 condition of individual health), on and after June 1944,
12 the amount of staple food for officer prisoners of war
13 was decreased to 390 grams, and for those non-
14 commissioned officers and privates who were employed
15 on hard work was decreased to 705 grams, and for those
16 who were not employed on hard work, was decreased to
17 570 grams. Decreased staple food, however, would be
18 no harm to health provided that the subsidiary food-
19 stuff was supplied sufficiently. It became gradually
20 difficult, as stated above, to obtain these subsidiary
21 foodstuff; above all, the nutritive value which
22 officer prisoners of war who were not employed on hard
23 work could take, showed gradually a declining trend.
24 Nevertheless, the nutritive value taken by these
25 prisoners of war was much higher than that of the

1 Japanese people. In view of the health condition of
2 officer prisoners of war in Zentsuji POW Camp in
3 which many officer prisoners of war were interned, a
4 plan was made to increase especially the staple food
5 of officer prisoners of war up to 500 grams for which
6 investigation had been made carefully under the central
7 military authorities concerned. The plan, however,
8 ended to a mere attempt proving that to distribute
9 one and a half times more staple food for prisoners
10 of war than that for the general Japanese people, was
11 not deemed to be adequate in view of food situation
12 in Japan and from the point of view of proper guidance
13 of the Japanese nationals. Thereupon, with the intention
14 to supply the same quantity of staple food for the
15 officer prisoners of war as that for the non-
16 commissioned officers and privates, treating the offi-
17 cer POWs as if being employed on hard work by assigning
18 a slight self-supporting work for maintaining their
19 health, also with another intention to grant them an
20 additional allowance of crops grown by farm work, they
21 were encouraged to be employed on work. It was neither
22 with any intention to exploit the labor facility of
23 officer prisoners of war in order to relieve the
24 shortage of labor facilities in Japan, nor with any
25 intention to offer an insult to them without making

1 much of their positions as officer, but with the
2 parent's heart of the prisoners of war administrators
3 concerned who encouraged the officer POWs, for their
4 own happiness, officer prisoners of war were employed
5 on work.

6 "An actual case where officer prisoners of
7 war were employed on work of their own choosing, is
8 described in a document in the custody of POW Infor-
9 mation Bureau as shown in the separate sheet (defense
10 document 1989)."

11 I tender that document in evidence, defense
12 document 1989.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Defense document 1989
15 will receive exhibit No. 3123.

16 (Whereupon, the document above
17 referred to was marked defense exhibit
18 No. 3123 and received in evidence.)

19 MR. FREEMAN: I shall read into evidence
20 exhibit 3123, beginning with the first paragraph.

21 "1. The four men voluntarily engaged in
22 knitting fishing nets for use in the north-sea fishing
23 area have proven to be very efficient.

24 "2. In the Second Detachment, Captain Zekuraa
25 and Second Lieutenant May among other officers at labor,

1 have worked voluntarily with eagerness and seriousness.
2 Their results were far better than those of the average
3 Japanese workers. Their great contribution was recog-
4 nized by the firm and after many conferences it was
5 decided that a sum of money for encouragement was to
6 be given to the two officers as a reward.

7 "3. The officer POWs who were transferred
8 and assembled at the detachments of Ikuno and Oeyama
9 are actively engaged in farming. Particularly in the
10 Oeyama Detachment they raise wheat, potatoes, sweet
11 potatoes, and vegetables for themselves and before long
12 they are expecting to harvest as much as 8 sacks of
13 wheat.

14 "4. The officer POWs who were transferred
15 from Hiroshima POW Camp to Rokuroshi Military Training
16 ground, have volunteered to do farming, and have been
17 working diligently since the end of last month."

18 Beginning with Item 16 of the affidavit:

19 "16. Violence on Prisoners of War.

20 "The Japanese are generally short-tempered
21 and are in the habit of getting excited at trifles.
22 Also, it was especially the case with military units
23 that, despite the strict supervision and instruction
24 of the senior officer, habit of inflicting the so-called
25 private punishment, by assaulting the subordinate,

1 from a slight cause was not extinct. Therefore, in
2 a case where misconduct was committed by a prisoner
3 of war, for instance, failure in acting up to regula-
4 tions or assuming a disobedient or haughty attitude,
5 illegitimate punishment was liable to be inflicted on
6 the prisoner of war without discrimination.

7 "These were the factual cases for which I
8 must express my sincere regret.

9 "It is presumed that in most cases this
10 violent behavior would not have been conducted if our
11 officers had been acquainted with their manners and
12 customs and had understood their languages.

13 "For instance, when a certain non-commissioned
14 officer scolded a prisoner of war at a POW camp, the
15 prisoner of war replied 'I think so and so.' Eye-
16 witnessing the tongue put out naturally when he said
17 'think,' the non-commissioned officer inflicted a blow
18 on him with rage in a moment presuming that he was
19 insulted by the behavior of the prisoner of war; when
20 some prisoners of war were scolded by others, the
21 former would gaze at the latter's face folding their
22 arms, unlike a Japanese custom, which was liable to
23 be regarded by the Japanese as very haughty attitude.

24 "Of course, in Prisoner of War Administration
25 Division they prepared notifications on manners and

1 customs of prisoners of war and transmitted them to
2 prisoner of war camps as an aid to put out troubles
3 to be caused from misunderstanding.

4 "The trials presently conducted at the
5 Yokohama Military Tribunal testify to the fact that
6 cases of some of the POW camp staff members having
7 had inflicted violence upon POWs. But on the other
8 hand, it was always with a sense of respect that I
9 witnessed, while my visits of observation to POW camps,
10 the staffs of such camps concentrating all their
11 efforts, in the face of various abuses and interference
12 of the nation who had no cordial feelings toward the
13 POWs, in obtaining foodstuff, medicaments, or in
14 completing their arrangements for the protection against
15 cold or damp, being inspired by a sense of genuine
16 friendship toward the POWs.

17 "A certain N.C.O., now being detained at the
18 Sugamo Prison was alleged to have assaulted the
19 responsible person of an organization, which then was
20 employing POW labour, out of his indignation for the
21 employer's lack of enthusiasm towards the POWs under
22 his employ. The injured person lodged a protest to
23 me personally against the N.C.O. on the occasion of
24 my visit to that organization. At other time the fact
25 came to my knowledge that a certain interpreter

1 attached to a POW camp, though he had the habit of
2 striking a POW from a slight cause, would, when a
3 POW happened to fall sick, attend on him whole-
4 heartedly almost without taking any rest or food, with
5 the natural result that he was always popular with
6 the POWs in spite of his bad habit. From these facts
7 I can assure you that the POW camp staffs were real
8 guardians for the prisoners of war under their charge."

9 THE PRESIDENT: We will adjourn until half-
10 past one.

11 (Whereupon, at 1200, a recess was
12 taken.)
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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at
1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

- - -

T A D A S H I O D A J I M A, resumed the stand
and testified through Japanese interpreters
as follows:

THE PRESIDENT: Mr. Freeman.

MR. FREEMAN: If the Tribunal please, I shall
continue reading the affidavit beginning with item 17
on page 11:

"17. Measures Relative to the disposition
of POW's in case of Gradual Change in the Situation,
Aimed at the Following Two Points: (Exhibit No. 1978)

"(1) To transfer POW camps in order to avoid,
by all means, the giving up of POW's to enemy hands, and
to prevent, as much as possible, POW casualties which
might be inflicted by the air-raids.

"(2) Not to make any mistakes in disposition
in the event we were obliged to resort to emergency
measures against POW's, owing to unavoidable circum-
stances, as stated above, this notification was made

1 in order to protect POW's, and did not bear any
2 implication of mistreatment towards them. As a result,
3 for the purpose of preventing POW casualties to the
4 utmost, about 10,000 POW's held in our homeland were
5 removed from the Tokyo-Yokohama area, Nagoya, Osaka,
6 Kobe, Hakodate, Muroran areas, where air-raids were
7 expected to be intensified, to such areas deemed to
8 be comparatively safe from air-raids as the Tohoku,
9 Hokuroku areas and the interior parts of Hokkaido.

10 "Thanks to these steps taken, casualties
11 inflicted by air-raids upon the POW's were smaller than
12 our expectations, hardly amounting to 100. As a matter
13 of fact, more than 13 places of the evacuated camps
14 in the Tokyo and Osaka areas had actually been bombed.

15 "18. It was from March, 1942 that the POW
16 Information Bureau began its communications with regard
17 to the POW situation. Up to August 1945, the number
18 of POW's and internees reported was about 210,000, and
19 since then up to August 1947 approximately 110,000 cases
20 were reported, totalling 320,000. The number of the
21 deceased reported of the POW's and the internees
22 numbered about 45,000 cases.

23 "The POW Information Bureau also undertook
24 to release communication with regard to enemy personnel
25 killed in action. Up to August 1945 they reported on

1 about 11,000 cases.

2 "In addition, the POW Information Bureau took
3 it upon themselves to answer, with sincerity, any
4 inquiries relative to POW's. They had answered about
5 1,000 cases, up to August 1945.

6 "On this 29th day of August, 1947."

7 You may cross-examine.

8 THE PRESIDENT: Colonel Mornane.

9 CROSS-EXAMINATION
10

11 BY COLONEL MORNANE:

12 Q Witness, with regard to this order as to the
13 conditions under which prisoners of war should be
14 transported by sea, what steps were taken by your
15 department to see that they were properly transported?

16 A Since I, ODAJIMA, was not in office at the end
17 of 1942 when this order was issued, I do not know what
18 instructions -- what steps were ordered to be taken.

19 Q Well, while you were in office, were any steps
20 taken by your department to see that they were properly
21 transported?

22 A This order was issued to the respective units
23 concerned and was not issued to the POW Control Bureau --
24 Supervision Department.

25 Q Didn't the POW Supervision Department have a
representative to meet ships bringing prisoners in?

1 A No.

2 Q And you got no reports as to the condition
3 in which prisoners arrived?

4 A Yes, we did receive such reports.

5 Q And didn't such reports indicate that prisoners
6 were in a very bad condition?

7 A Yes.

8 Q And what did you do? They were under your
9 control.

10 A I should like to state that although prisoners --
11 that even after prisoners were transferred to the
12 Japanese mainland, they did not come under the control
13 of the Prisoner of War Supervision Department.

14 Q Under whose control did they come?

15 A They came under the control of the respective
16 units which received them.

17 Q But, those units were attached to the Prisoner
18 of War Supervision Department, were they not?

19 A No.

20 Q Now, can you tell the Tribunal what necessitated
21 that order being repeated on March, 1944?

22 A From the end of 1943 to the beginning of 1944
23 many POW's were transported, but as the conditions
24 under which they were transported were not of the best,
25 in March 1944 this order was reissued and instructions,

1 which I have already mentioned, were reiterated on
2 the 2nd of March, 1944. This was on the 2nd of March,
3 1944.

4 Q Did your department exercise any control over
5 the Tokyo prisoner of war camps?

6 A No.

7 Q What was your connection with them?

8 A As the Prisoner of War Information Bureau,
9 we had the duty to collect reports.

10 Q But, the Prisoner of War Information Bureau
11 had the same personnel as the Prisoner of War Supervision
12 Bureau?

13 A Yes.

14 Q In you capacity as a member of the Prisoner
15 of War Supervision Bureau, what connection did you have
16 with the Tokyo camps?

17 A As a member of the Prisoner of War Supervision
18 Department, I had no connection with them.

19 Q Under what department of the War Ministry did
20 the control of the prisoners of war come?

21 A May I have that question repeated?

22 THE MONITOR: Japanese court reporter.

23 (Whereupon, the last question was read
24 by the Japanese court reporter.)

25 A The Military Affairs Bureau, the Intendence

1 Bureau and the Medical Bureau of the War Ministry
2 as well as other bureaus of that Ministry are organs
3 which assist the War Minister, and, as such, they had
4 the duty of assisting the War Minister in the work of
5 the War Ministry. However, they had no direct -- strike
6 that out, please -- However, you cannot say exactly
7 what bureau had what control over what work as they were
8 all in the War Ministry. You cannot say what particular
9 bureau or which bureaus had control over the prisoner
10 of war camp in Tokyo and elsewhere.

11 To begin with, it is the responsibility of
12 the commander of the army in any one particular area
13 who is responsible for the prisoners of war in that
14 area, and it is the War Minister that directly controls
15 these commanders. That is to say, the duty of
16 the War Minister is administration and the duty of the
17 various bureaus in the War Ministry is to assist that
18 work. Therefore, no one particular bureau in the War
19 Ministry is directly connected with the work -- with
20 prisoner of war camps.

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1 Q And, what assistance was it the duty of the
2 Prisoner of War Supervision Department to give?

3 A In accordance with regulations established
4 on March 31, 1942, and also two rules laid down on
5 April 7, 1942, the duties of the Prisoner of War
6 Supervision Department would be as follows:

7 THE INTERPRETER: Correction: "In accord-
8 ance with regulations established on March 31 and
9 on April 7, 1942, the duties of the Prisoner of War
10 Supervision Department were to be as follows:"

11 A (Continuing) The first rule determined that
12 the Prisoner of War Supervision Department was to be
13 in charge of prisoner of war matters within the War
14 Ministry.

15 The second rule interpreted just what is
16 meant by prisoner of war matters and divided them
17 into five sections. These are the five sections:

18 1. Various plans in regard to the intern-
19 ment, handling, exchange, freeing, utilizing, and
20 punishment of prisoners of war.

21 2. Matters pertaining to prisoner of war
22 labor.

23 3. Matters pertaining to prisoner of war
24 communication.

25 4. Matters pertaining to punishment of

1 prisoners of war.

2 5. Matters pertaining to labor and communi-
3 cation of prisoners of war in battle areas.

4 THE INTERPRETER: Correction: "Of those de-
5 tained by the Army in battle areas."

6 A (Continuing) That is all.

7 Q Well, whose duty was it to protect the
8 prisoners of war?

9 A May I have that repeated, please?

10 (Whereupon, the last question was
11 read by the Japanese interpreter.)

12 THE PRESIDENT: Well, we do not know how these
13 simple questions you are putting are being translated.
14 There could be no occasion, if that question were
15 properly translated, to ask that it be repeated.

16 A It is the Government's responsibility.

17 Q But, what branch of the Government?

18 THE PRESIDENT: What individuals?

19 A Mainly, the Army.

20 THE PRESIDENT: Well, do you think it is
21 worth while following that up?

22 COLONEL MORNANE: Except that we want some
23 information.

24 THE PRESIDENT: You are going to get it.

25 COLONEL MORNANE: I don't know whether we

are going to get it, that's the trouble.

1 THE PRESIDENT: I am reminded that he made
2 an inspection tour of prisoner of war camps. Was
3 that just for recreation?
4

5 BY COLONEL MORNANE (Continued):

6 Q On whose instructions did you inspect the
7 prisoner of war camps at Korea and other places?

8 A On the orders of the chief of the Prisoner of
9 War Supervision Department -- of the chief of the
10 Prisoner of War Information Bureau.

11 Q And, what was the object of the inspection?

12 A To see the actual conditions under which the
13 prisoners of war were treated and to see how the
14 companies, who were employing the prisoners of war,
15 were actually treating them, and for the purpose of
16 drawing up plans in regard to withdrawing these
17 prisoners of war if these conditions were unsatisfac-
18 tory.

19 Q Well, you were actually seeking to protect
20 the prisoners of war?

21 THE MONITOR: Sound Engineer, will you kind-
22 ly adjust the witness' earphones, or something. He is
23 evidently having a difficult time hearing. We are
24 giving accurate translations.
25

(Whereupon, the last question was

1 read by the Japanese court reporter.)

2 A Yes, that is so.

3 Q And, for whom did the Prisoner of War
4 Information Bureau want that information?

5 A It was important for the Prisoner of War
6 Information Department to find out exactly how the
7 prisoners of war are actually being treated in order
8 to carry out its duties under international law.

9 Q What were the duties of the Prisoner of War
10 Information Department under international law?

11 THE PRESIDENT: That is for us.

12 COLONEL MORNANE: I was rather anxious, if
13 it please the Court, to find out what the witness'
14 conception of the duties is, rather than --

15 THE PRESIDENT: Let him state his duties and
16 we will make any necessary comparisons.

17 Q What were the duties in relation to inter-
18 national law?

19 A The duties of the Prisoner of War Information
20 Bureau under the Hague Convention was to investigate
21 the conditions of prisoners of war and to report such
22 investigations to the Central Information Bureau at
23 Geneva. After investigating such conditions, one of
24 the duties was to draw up a list of prisoners of war.
25 Another duty was to reply to any inquiries concerning

1 prisoners of war. Those are among the duties of the
2 Prisoner of War Information Bureau.

3 Q Would you deal direct with the Central In-
4 formation Bureau at Geneva or would you send the
5 information through the Foreign Office?

6 A We sent it through the Japanese Communications
7 Bureau.

8 Q To whom did you send it though, to Geneva
9 or to the War Ministry?

10 A We sent it to the International Red Cross at
11 Geneva.

12 Q Well, with regard to information sought by
13 the Swiss Minister through your Foreign Minister, who
14 would supply that?

15 A To inquiries to the Prisoner of War Infor-
16 mation Bureau replies were addressed to the Foreign
17 Office.

18 Q And, who would send those replies?

19 A The chief of the Prisoner of War Information
20 Bureau.

21 Q Do you remember any inquiries being made with
22 regard to the number of Americans held on Wake Island?

23 A I remember such an inquiry came after the
24 conclusion of the war.

25 Q That is the first time you remember any

1 inquiry about Wake Island?

2 A Yes.

3 Q Isn't this the position: that any complaint
4 about the breach of international convention would go
5 to the Military Affairs Bureau from the Foreign Office?

6 MR. FREEMAN: If your Honor please, I object
7 to the question in suggesting the answer. He can ask
8 the witness direct where it came from. He is suggest-
9 ing the answer in the question.

10 THE PRESIDENT: Objection overruled.

11 Answer the question.

12 A The Foreign Office was the window through
13 which inquiries were made and replies --

14 THE INTERPRETER: Correction: "Through which
15 inquiries and protests were made."

16 A (Continuing) The Foreign Office would send
17 inquiries to the War Ministry, the Navy Ministry, or
18 the Greater East Asia Affairs Ministry in order to
19 obtain material with which to draw up a reply. I was
20 able to tell what requests were made from the Foreign
21 Office for such material because these documents were
22 either addressed to several bureaus, such as -- to
23 several departments, such as the War Vice-Minister,
24 the Chief of the Military Affairs Bureau, the Greater
25 East Asia Vice-Minister, and so forth, or else if a

1 document was addressed to one particular bureau,
2 copies were sent to the other departments.

3 In the Prisoner of War Information Bureau a
4 file is kept of protests and inquiries coming from
5 countries representing the enemy powers -- coming
6 from the protecting powers, and I base my testimony
7 on these.

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1 BY COLONEL MORNANE:

2 Q Now, you put in evidence this morning ex-
3 hibit 3120. Will you tell me what the practice was
4 with regard to feeding sick prisoners?

5 A Although I don't know the details, I learned
6 from reports that special rations were given to patients
7 in the Tokyo prisoner-of-war camp. For instance, in
8 the monthly reports from the Tokyo prisoner-of-war camp
9 were notices such as that milk had been supplied to
10 patients or that a daily ration of eggs was being
11 supplied.

12 Q Do you know that at the Tokyo prisoner-of-war
13 camps the sick were only given two-thirds of the nor-
14 mal ration?

15 A No.

16 Q That is the first time you have known the
17 sick received less rations than the people who were
18 well?

19 A No, that is not so.

20 Q Did you have anything to do with the supply
21 of rations to Tokyo prisoner-of-war camp?

22 A No.

23 Q You can't say what rations were given?

24 A I knew of most of the items through the
25 monthly reports.

1 Q Well, now, with regard to the survivors of
2 the LISBON MARU, you gave evidence this morning that
3 they were sent to an Osaka prisoner-of-war camp, al-
4 though there were many cases of dysentery and diphtheria
5 among them. Why weren't they sent to a hospital?

6 A Since I wasn't then in office, I don't know
7 the details.

8 Q What was the date of that LISBON MARU sink-
9 ing?

10 A According to my recollection, it was around
11 September of 1942.

12 Q Did you ever see a report dated the 4th of
13 September, 1942, from the accused ITAGAKI to the
14 accused TOJO?

15 COLONEL MORNANE: I will withdraw that ques-
16 tion, if it please the Court. The date is before the
17 witness came in office.

18 THE PRESIDENT: He could have seen the report
19 if it was kept in his office.

20 COLONEL MORNANE: That may be so.

21 Q Witness, have you ever seen a report such as
22 I have described, setting out regulations for treat-
23 ment of prisoners of war in Korea?
24

25 A I don't remember.

COLONEL MORNANE: Could the witness be shown

1 exhibit 1976? I think it has been brought down to
2 the court for the purpose?

3 I will just leave that for the moment.

4 Q Were you in the Prisoner-of-War Informa-
5 tion Bureau in 1943 aware of the fact that prisoners
6 of war were being mistreated?

7 A I didn't hear that they had been mistreated.

8 Q Do you remember instructions being sent out
9 from your bureau relating to censorship of news of
10 prisoners of war?

11 A No, the Prisoner-of-War Information Bureau
12 never gave such instructions.

13 Q You never heard of an instruction that the
14 following reports should be censored? "Reports which
15 give an impression of cruel treatment, such as pris-
16 oners being punished or made to labor without clothing."

17 A Yes.

18 COLONEL MORNANE: Will you have him look at
19 exhibit 1977?

20 (Whereupon, a document was handed to the
21 witness.)

22 THE WITNESS: Yes, I have seen this report,
23 certainly.

24 Q And that is dated the 20th of September,
25 1943?

A Yes.

1 Q Do you remember instructions being sent to
2 the Chief of Staff of the Thailand Army in 1945
3 authorizing personnel who mistreated prisoners of
4 war to flee from the army?

5 A I have heard vaguely that such instructions
6 were issued.

7 Q Were you not a member of the department on the
8 20th of August, 1945?

9 A Yes.

10 Q Well, now, you have given evidence about an
11 address by Major General HAMADA. What steps did he
12 take to insure that the views he expressed would be
13 carried out -- or the orders he gave would be carried
14 out?

15 A I believe that in Major General HAMADA's
16 address he made clear that prisoners of war should be
17 treated fairly, and that when they are to be punished
18 they should be punished in accordance with law.

19 Q What steps did he take to insure that those
20 instructions were carried out?

21 A All Major General HAMADA did was to lecture --
22 was to give a lecture.

23 Q Coming to Osaka prisoner-of-war camps, you
24 know, do you not, that forty-three of the staff of
25 those camps have already been convicted for war

1 crimes?

2 A Yes, I do.

3 COLONEL MORNANE: Could the witness be shown
4 document 2011 now, if the Court pleases?

5 (Whereupon, a document was handed to the
6 witness.)

7 Q Have you seen that document before?

8 A No, I have never seen this document.

9 Q Will you look at exhibit 1976? You will
10 notice that that document bears the stamp of the con-
11 trol section of prisoners of war?

12 A Yes.

13 Q Have you seen that document before?

14 A No.

1 THE PRESIDENT: Is the witness required any further?

2 COLONEL MORNANE: If the Court please, I merely
3 wish to refer the Tribunal to certain parts of the
4 prosecution's evidence with regard to the treatment of
5 prisoners of war in Japan, exhibits 1916 to 1955, at
6 pages 14,197 to 14,261 inclusive; and the evidence of
7 Captain Chisholm at pages 14,270 to 14,280; and to ex-
8 hibits 2028 to 2033, at pages 14,901 to 14,907.

9 MR. FREEMAN: May the witness be excused?

10 THE PRESIDENT: He is excused on the usual terms.

11 (Whereupon, the witness was excused.)

12 MR. FREEMAN: Defense documents 2077 and 2172
13 have been withdrawn.

14 I next offer in evidence document 2109-A,
15 which is an excerpt from the "TOKYO Prisoners of War
16 Internment Camp Monthly Report for March 1943."

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Defense document 2109-A
19 will receive defense exhibit number 3142.

20 (Whereupon, the document above referred to
21 was marked exhibit 3124 and received in evidence.)

22 MR. FREEMAN: I shall read exhibit 3124:

23 "1. Ordinary diet.

24 "The staple food for the captives of non-com-
25 missioned officers and under were rationed 570 grammes

1 at first, but it was gradually increased, in propor-
2 tion to the amount of their labour, to 690 grammes by
3 January 1st of this year. As the hours of their labour
4 were extended in March, to the last reserved quantity
5 96 grammes were added, making it 786 grammes, which
6 were the largest regulated amount and the equal quan-
7 tity of ration allowed Japanese soldiers.

8 "Moreover, from the viewpoint of preventing
9 beri-beri, more cleaned wheat was used so that their
10 staple food was composed of at the rate of 410 grs. of
11 polished rice and 376 grs. of cleaned wheat.

12 "Moreover, efforts were made to supply them
13 with subsidiary articles of diet containing much al-
14 bumen and fat so that they might be free from defic-
15 iency diseases and raise power of resistance to dis-
16 eases.

17 "2. Diet for patients.

18 "To those sufferers from diarrhoea, bread and
19 eggs, etc. have hitherto been given, and to the suffer-
20 ers from beri-beri, vitamin and rice-bran were supplied
21 and thus an early recovery of the patients was taken
22 care of from the point of view of nutrition.

23 "3. Efforts are being made to increase the
24 sales of daily necessities in the canteen to the ex-
25 tent that no undue pressure may be brought upon the

1 demand of the general public, in order to have pris-
2 oners find comfort and hope in this direction so that
3 they may display the maximum ability in their labor."

4 I next offer in evidence defense document
5 2109-B, which is an excerpt from the "FUKUOKA War
6 Prisoners Camp Monthly Report" for June 1944, hav-
7 ing to do with the daily diet of war prisoners.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document 2109-
10 B will receive defense exhibit number 3125.

11 (Whereupon, the document above re-
12 ferred to was marked exhibit 3125 and receiv-
13 ed in evidence.)

14 MR. FREEMAN: I read exhibit 3125:

15 "Individual war prisoners under labor, 705
16 gs. of rice and wheat per head a day;

17 "Individual war prisoners below the non-
18 commissioned officer free from labour, 570 gs.;

19 "Individual commissioned officer and similar
20 ranking officer, 390 gs.

21 "As a general rule, delivery of rice and
22 wheat to all war prisoners is based on at the rate
23 of 705 gs. per head, but is to be adjusted by act-
24 ually allowing the foregoing rations to each one in
25 accordance with the nature of labour and physical

1 conditions and by supplying the remaining amount, if
2 any, to the war prisoners either under hard labour or
3 in bad health. The result is generally satisfactory.

4 "b. At the sub-branch where war prisoners
5 are employed in labour of coal-mining, each one is
6 given by the local organ of distribution 710 gs. of
7 rice and wheat which are the same amount as Japanese
8 miners are allowed under the identical work. The
9 ration, with mixtures of cereals and pulse, is allow-
10 ed generally after the method of the branch.

11 "c. Taking demand and supply of rice and
12 wheat into consideration, all branches (sub-branches)
13 are rationing their war prisoners at a mixture rate of
14 30% of substitute food for rice and wheat acting up
15 to the plan mentioned above.

16 "d. There having been no distribution of
17 wheat flour through the month of June which was to
18 be done by the KURUME Division, all the branches faced
19 difficulties in rationing bread, and so they are now
20 in course of negotiations with the Division thereof.
21 Fresh supply is expected from next month.
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"2. Subsidiary Food.

"a. As the matter of nutrition has become much indebted to the volume of subsidiary food in consequence of less supply of staple food and paying 3 sen to each war prisoner for making up thereof, we are making every effort to keep war prisoners in good health enough to let them work, as well as to prepare and arrange subsidiary food, sticking to the principle of self-support at each locality.

"b. Generally speaking the subsidiary foods are secured with smoothness and regularity, especially so with green vegetables. Fresh fish generally come to hand with regularity. Meat, however, was not easy to be gotten by the 2, 3, 14, 17 sub-branches during this month.

"c. In view of war prisoners' taste, the diet is prepared with much use of curry powder, pepper and edible oil, and cooking is to be done by war prisoners themselves with their daily required amount of materials.

"d. At each branch and sub-branch of the War Prisoners Camp during this month, the daily average calories taken by a war prisoner is 3,092,84 calories, his average weight being 60.153 kilogrammes, the particulars of which are given in the following

1 list."

2 I next offer in evidence defense document
3 2109-C which is an excerpt from the monthly report
4 of the Zentsuji War Prisoners' Camp for the month of
5 November 1944 relative to the supplies of food.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Defense document 2109-C
8 will receive exhibit No. 3126.

9 (Whereupon, the document above
10 referred to was marked defense exhibit
11 No. 3126 and received in evidence.)

12 MR. FREEMAN: I read into evidence exhibit
13 No. 3126, "Excerpt from the Monthly Report by the
14 Zentsuji War Prisoners' Camp, November 1944.

15 "1. Though the supply of meat and fish is
16 not enough as before, vegetables seem to have been
17 placed on the regular channel since the middle of
18 this month. We are getting them by lawful means with-
19 out sacrificing any civilian demand; we are now sup-
20 plying more than 600 grams of vegetables per capita
21 a day in every camp. In addition, thanks to the re-
22 lief food from the Red Cross, through the good offices
23 of the Prisoners of War Information Bureau, condition
24 has become satisfactory for the present as far as
25 meat and vegetables are concerned.

1 "2. Soy-bean which has been supplied as a
2 substitute for staple-food was stopped since the No.
3 2271 financial notice of the ZENTSUJI Division,
4 'Instruction pertaining to the Stoppage of Supply of
5 Soy-bean, etc. As Substitutes for Staple-food' dated
6 August 22, 1944 was issued, we have been making up
7 for the deficit with our stock. But since the begin-
8 ning of this month the stock has all gone. So at
9 present we are securing necessary quantity from mil-
10 let, kaoliang, green-peas, red bean and sweet potato,
11 which is now in season, as substitutes for rice or
12 wheat. We have installed hand-mills, providing for
13 the necessity of supplying pulverized food.

14 "3. Regarding the food supply to officer
15 prisoners forming a greater part of the war prisoners
16 in our camp, we are trying to improve the labor for
17 the self-supporting of officer prisoners, making
18 accountant officer prisoners cooperate with the War
19 Prisoner Cooking Section in planning means. Besides
20 encouraging the originality of officer prisoners for
21 their own cooking as above mentioned, we newly pro-
22 vided for a 'Special Meal for Recuperation (570 gram
23 of staple food)' which will be supplied to those who
24 are especially in weakened condition (at present about
25 10 persons)."

1 I next call the witness KUBOTA, Tokujiro
2 whose affidavit is defense document 2093.

3 - - -

4 T O K U J I R O K U B O T A, called as a witness
5 for the defense, being first duly sworn, testi-
6 fied through Japanese interpreters as follows:

7 DIRECT EXAMINATION

8 BY MR. FREEMAN:

9 Q Mr. KUBOTA, will you give us your full name
10 and address.

11 A My name is KUBOTA, Tokujiro. My present ad-
12 dress is in Kuwa Village, Shimotsuga Gun, Tochigi Pre-
13 fecture.

14 MR. FREEMAN: May the witness be shown de-
15 fense document 2093.

16 (Whereupon, a document was handed
17 to the witness.)

18 Q Is that your affidavit, and have you signed
19 it?

20 A Yes, undoubtedly.

21 Q Are the contents therein true and correct?

22 A Yes, they are.

23 MR. FREEMAN: I offer in evidence defense
24 document 2093.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Defense document 2093
2 will receive exhibit No. 3127.

3 (Whereupon, the document above
4 referred to was marked defense exhibit
5 No. 3127 and received in evidence.)
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1 MR. FREEMAN: I read into evidence exhibit
2 3127, beginning with the second paragraph:

3 "The matter of using prisoners of war concern-
4 ing court exhibit No. 1970-A took place when I was
5 President of the Manchurian Engineering Machinery
6 Company, Ltd., so I shall depose as follows concerning
7 the real circumstances of the use of prisoners in con-
8 nection with this case as the said president at that
9 time.

10 "(1) Although there arrived at Mukden approx-
11 imately 1,300 prisoners of war towards November 1942 it
12 was about February that the said company commenced to
13 employ the POW's, and their number was about 50. There-
14 after the number of POW's were gradually increased and
15 their peak reached about 600. According to the first
16 plan we were going to use about 1,000 POW's, however,
17 the percentage of actual workers was 60 per cent at the
18 highest rate. This was due to the fact that as a conse-
19 quence of an investigation of the POW's abilities, we
20 found out a number of them were farmers and that there
21 were fewer experienced mechanics than we had expected.
22 Also because of the fact that we did not work them im-
23 properly, taking into consideration such things as the
24 POW's health, ability, rank, etc.

25 "The employees of our company numbered approx-

1 imately 300 Japanese and about 700 Manchurians, total-
2 ing about 1,000 when we first began to use the POW's;
3 at the peak we had approximately 800 Japanese and about
4 1,200 Manchurians, totaling about 2,000.

5 "(2) Our company manufactured machinery be-
6 longing to the catagory of enlarging productive power,
7 and as far as I know there were no plans established
8 either by the Army or by Manchukuo or by our company
9 also to make the company a military factory, and not a
10 single order was received by our company for any arms
11 manufacturing factories in Manchuria, Japan proper, and
12 other places, to produce arms or parts thereof. Conse-
13 quently, our company never used the POW's to engage in
14 work related with the manufacture of arms or with work
15 directly concerned with the operations of war.

16 "(3) As mentioned above, there were so few
17 technically experienced workers among the prisoners of
18 war, contrary to our first expectations, that at first,
19 although they attended the factory every day they did
20 not do any work worth mentioning. In the meantime, in
21 compliance with the desire of the majority of the POWs
22 we decided to teach them the techniques of machinery
23 manufacture. We purchased about five tons of pig iron
24 and steel materials from the 918th Army unit in Manchuria
25 at that time to be used as material for the educational

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1 program and we classified the POWs into mechanics,
2 finishers, fitters, tool makers, blacksmiths, carpen-
3 ters, draftsmen, designers, warehouse-keepers, auto-
4 mobile repairmen, etc, and taught them the techniques
5 of machinery manufacture under the leadership of the
6 company's engineers and skilled workers. As a result
7 of this, after my resignation as president of the com-
8 pany, and automatic lathe was made.

9 "(4). Colonel MATSUDA, Chief of the intern-
10 ment camp at Mukden, inspected our company frequently
11 and instructed all the Japanese and Manchurian employees
12 to treat the POWs with charity and tolerance. Conse-
13 quently, there was no discriminatory treatment between
14 the Japanese, Manchurians and the POWs, and there was
15 no ill feeling. They were able to work with pleasure
16 in perfect harmony as one.

17 "(5) The prisoners of war were idle and felt
18 awkward doing no work whatsoever during the interval
19 and before reporting to the factory after their arrival
20 at Mukden but they used to visit the factory now and
21 then as they desired. A party for the POWs was held in
22 the main dining hall of the factory on Christmas Eve
23 1942 in accordance with the POWs' desires. Though
24 various materials were not easily available at that time
25 we bought tobacco, candy, apples, oranges, etc. by el-

1 possible means and distributed them to the POWs and
2 the POWs themselves contributed to the party by putting
3 on skits and other entertainment.

4 "On this 5th day of August 1947."

5 Cross-examine.
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1 LIEUT. COLONEL MORNANE: The prosecution
2 does not propose to cross-examine this witness.

3 MR. FREEMAN: May the witness be excused?

4 THE PRESIDENT: The witness is excused on
5 the usual terms.

6 (Whereupon, the witness was ex-
7 cused.)

8 MR. FREEMAN: It is my understanding that
9 defense document 416 has already been offered in evi-
10 dence, so I withdraw it from this order of proof.

11 I next call the witness YOSHIE, Seichi whose
12 affidavit is defense document 2205.

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1 S E I I C H I Y O S H I E, called as a witness on
2 behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as fol-
4 lows:

5 DIRECT EXAMINATION

6 BY MR. FREEMAN:

7 Q Mr. YOSHIE, will you give us your full name
8 and address.

9 A My name is YOSHIE, Seichi. My address is
10 804, 2-Chome, Shimoochiai, Shinjuku-ku, Tokyo.

11 MR. FREEMAN: May the witness be shown de-
12 fense document 2205.

13 (Whereupon, a document was handed
14 to the witness.)

15 Q Is that your affidavit, and have you signed
16 it?

17 A This is my affidavit. It bears my signature.

18 Q Are the contents therein true and correct?

19 A They are.

20 MR. FREEMAN: I offer in evidence defense
21 document 2205.

22 THE PRESIDENT: We will recess for fifteen
23 minutes.
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25 (Whereupon, at 1445, a recess was
taken until 1500, after which the proceed-

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ings were resumed as follows:)

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Colonel Mornane.

COLONEL MORNANE: If it please the Tribunal, I object to the evidence being given by this witness on the ground that it is irrelevant. The evidence appears to be directed to showing that Japanese members of the military forces hate being punished and they regard even a light punishment as something very serious. I submit it is not relevant to any issue before this Tribunal.

MR. FREEMAN: If the Tribunal please, this affidavit of the witness who was attached to the personnel bureau of the War Ministry precees the document of a report of punishment, and so forth, given POW guards as a result of violation of regulations and disciplinary action taken by the part of the Japanese army. The purpose in offering this affidavit is to show that if once a soldier was disciplined the action taken thereon followed him throughout the rest of his military career and even a reprimand by his superiors may forfeit his ever becoming an officer in the Japanese army and when he left military service this same record was with him and as a result it affected his life after

1 leaving military service.

2 THE PRESIDENT: As a Member of the Tribunal
3 says, it may be remotely relevant but that is the most
4 that can be said for it.

5 By a majority the objection is upheld and
6 the document rejected.

7 MR. FREEMAN: May the witness be excused?

8 THE PRESIDENT: He is excused on the usual
9 terms.

10 (Whereupon, the witness was excused.)

11 MR. FREEMAN: I next offer in evidence defense
12 document 1433 which is a record of punishment given
13 Japanese guards for mistreatment of war prisoners, and
14 so forth. I desire to read only the first two pages
15 and half of the third page of this document.

16 THE PRESIDENT: What has happened to 2088?

17 MR. FREEMAN: I am sorry; that document has
18 been withdrawn.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document 1433
21 will receive exhibit No. 3128.

22 (Whereupon, the document above
23 referred to was marked defense exhibit
24 No. 3128 and received in evidence.)
25

MR. FREEMAN: I shall read into evidence

1 exhibit 3128 from the beginning to the middle of page
2 3:

3 "REPORTS ON TREATMENT OF POW IN PRISONERS'
4 CAMPS IN JAPAN PROPER.

5 "I. PURPORT.

6 "This report has been prepared for the purpose
7 of clarifying how the Japanese personnel in charge of
8 the prisoners' camps in Japan proper committed illegal
9 acts in the treatment of the prisoners of war of the
10 Allied Forces and how the Japanese authorities dealt
11 with these culpable personnel, and explaining the
12 actual circumstances at the time which led to these
13 events.

14 "As this report has been and is being drawn
15 up according to the returns which have been or are
16 being made by chiefs of camps, additional reports on
17 these cases will be made later on.

18 "II. THE FACTS WHICH WERE REVEALED ON THE
19 ABOVE CASES AND MEASURES TAKEN.

20 "Upon inquiries among the prisoners' camps in
21 Japan proper, it was revealed that, with few exceptions,
22 atrociously and inhuman acts of violence were never done
23 deliberately upon the prisoners of war.

24 "However, there were certain cases where im-
25 proper measures were taken in the dealing or treatment

1 of the POW, such as some unauthorized punishments
2 which was inflicted upon the POW by some Japanese
3 personnel who were carried away by their emotions and
4 misunderstanding of customs. Such cases were caused
5 through the difference of languages and the lack of
6 efforts on our part, or sometimes some unavoidable
7 circumstances, which resulted in a lot of illness and
8 deaths among the POW, and the carelessness on the part
9 of the employers of prisoners caused accidents while
10 the prisoners were being employed on POW labor.
11

12 "Although most of these cases took place
13 under unavoidable circumstances, we keenly regret that
14 we were to blame for it. And in case the treatment of
15 the POW was unfair, we did justice to our faults and
16 every time gave strict warnings to those concerned,
17 and the offenders were all dealt with by their superiors
18 as mentioned in the affixed list.

19 "And instructions were given to the military
20 district commanders that they should make a close
21 examination of each case and deal fairly with the
22 offenders, clarifying where the responsibility rested,
23 so more reports will be made on our fair dealings as
24 they have been disclosed.

25 "III. EXPOSITIONS: 'STATEMENT'

"Our basic policy of the treatment of the

1 prisoners of war aimed at giving a just and fair
2 treatment to them according to various regulations
3 relative to the treatment of prisoners of war.

4 "Our superintendents of the prisoners of
5 war strictly observing this basic policy made every
6 effort to treat them fairly. However, it was really
7 a matter of regret that some supervisors directly in
8 charge of the prisoners dealt out illegal punishment
9 which the Japanese are apt to practise by habit and
10 sometimes treated them unfairly under various circum-
11 stances at home or owing to some unavoidable accidents.
12 The circumstances at the time under which the above
13 cases took place will be explained below.

14 "1. Illegal punishment inflicted upon
15 Prisoners of War.

16 "1) Illegal punishment is not only one of the
17 chronic evil practice in our army, but also one of the
18 national defects. Generally the people of this coun-
19 try make light of the evil of this practice. They
20 never regard it so gross an insult as Europeans and
21 Americans do. They have such erroneous views that a
22 kind man would rather chastise an offender with a blow
23 of his fist and let him go than punish him formally
24 according to the law putting him to shame before the
25 public or bringing disgrace upon his family, and that

1 discipline will be maintained by illegal punishment.
2 We deeply regret that such an evil practice brought
3 troubles upon the prisoners of war.

4 "The authorities of the army had already
5 been cognizant of the serious evils of such private
6 punishment which trampled upon human rights, or dis-
7 turbed military discipline, or became an obstacle to
8 education in various lines, and made every effort to
9 remove such an evil practice, repeatedly giving
10 strong warnings, but with all their efforts conditions
11 failed to improve as much as expected.

12 "Besides, the Japanese are generally quick-
13 tempered. They easily get excited over trifles.
14 Especially when a trouble takes place on account of
15 the difference of languages or customs. They are too
16 impatient to inquire into the rights and wrongs of the
17 case or chastise offenders by lawful means which are
18 possible, and, carried away by their excited feelings,
19 deal out private punishment at once on the spot. But
20 later when they become calm they repent of their
21 violent acts.

22 "11) Motives for private punishments.

23 "The examination of the real facts of such
24 private punishments inflicted upon the prisoners of war
25

1 shows that in almost all cases, the punishers did
2 such private dealings not for venting their own rancor
3 but simply for the purpose of correcting the mis-
4 conduct of the prisoners of war, or in self-defense,
5 or on account of their misunderstandings, which were
6 produced by the difference of languages, that the
7 prisoners were insulting or resisting them.

8 "On the other hand, some prisoners of war
9 were really irreclaimable, lacking in moral sense, and
10 some of them were shunned by the rest of the prisoners,
11 who sometimes asked us to chastise them by our hands.

12 "111) Supervision and guidance in preventing
13 private punishments.

14 "Most of these unjust acts were done by men
15 lower than noncommissioned officers and very few
16 officers committed such offenses.

17 "Careful consideration was paid in selecting
18 lower officials such as watchmen, leaders, and guards
19 who were usually in touch with the prisoners, and much
20 care was taken for the supervision and guidance over
21 these lower officials. But almost all the watchmen were
22 disabled ex-servicemen because at the time the recruit-
23 ment of the army was more urgent. And a comparatively
24 large number of these disabled ex-servicemen were
25 prejudiced and mentally defective because of their

1 physical defects, and they were liable to treat the
2 prisoners unfairly. So we always had a close super-
3 vision over those guards. Those who were extremely
4 wrong were fired at a moment notice. As leaders and
5 guards were selected and recommended by the employers
6 of prisoners of war, and all these personnel were not
7 so good in character, much care was taken in select-
8 ing them, and the closest supervision and careful
9 guidance were exercised over them.

10 "On the occasion of the Council of the Chiefs
11 of the POW Control Bureau of the War Ministry, which
12 was held on December 26, 1943, Major General HAMADA,
13 Chief of the POW Control Bureau (concurrently Chief of
14 the POW Information Bureau) delivered an address
15 calling the attention of those concerned."
16

17 If the Tribunal please, the remainder of
18 that document has to deal with punishments given POWs--

19 THE PRESIDENT: Was that prepared after the
20 war?

21 MR. FREEMAN: --and to measures taken relative
22 to accidents that occurred to prisoners of war.

23 THE PRESIDENT: What is your next document?

24 MR. FREEMAN: If the Tribunal please, 1027-A,
25 1027-F and 1027-E have been withdrawn.

1 I next offer in evidence defense document
2 1027 which is a report on the investigation of the
3 eight American fliers who took part in the raid on
4 Japan proper on 18 April 1942.

5 THE PRESIDENT: Mr. Tavenner.

6 MR. TAVENNER: If the Tribunal please, al-
7 though this report may be admissible into evidence
8 for certain purposes, I feel that the statement should
9 be made to the Tribunal now that the prosecution, at
10 the proper time, will introduce evidence showing the
11 circumstances and manner in which the statements re-
12 ferred to in this report were obtained.

13 THE PRESIDENT: That goes to their ad-
14 missibility, and that question should be determined
15 now in the ordinary course. That is what you call
16 a "voir dire", is it not? If you had a jury you would
17 send them out and determine the question.

18 MR. TAVENNER: It is the position of the
19 prosecution that these statements were obtained as a
20 result of duress and coercion.

21 MR. FREEMAN: If the Tribunal please, there
22 is no evidence in the record to show any such duress,
23 and if --

24 THE PRESIDENT: These are witnesses only,
25 and not accused. Perhaps the course you suggest is

1 reasonable, Mr. Tavenner. You are not pressing your
2 objection at this stage? You say they are objection-
3 able?

4 MR. TAVENNER: My statement was that the
5 report itself may be admissible for some purposes.

6 THE PRESIDENT: The whole may be admissible
7 for some purpose.

8 MR. TAVENNER: Yes.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document 1027
11 will receive exhibit No. 3129.

12 (Whereupon, the document above
13 referred to was marked defense exhibit No.
14 3129 and received in evidence.)

15 MR. FREEMAN: The Tribunal's attention is
16 called to the fact that the affidavit attached to
17 1027, or which should be attached to 1027, is for
18 1027 A, B, C, D, E, F, G, and H. However, for the
19 purpose of these documents, it is being used for 1027-B,
20 C and H.

21 THE PRESIDENT: These are alleged statements
22 by American airmen. I did not appreciate what they
23 were until I read this.

24 MR. FREEMAN: Yes.

25 THE PRESIDENT: Do you propose to read them?

1 MR. FREEMAN: Yes, sir. I shall read into
2 evidence exhibit 3129:

3 "Military Police Report No. 352. ***

4 "FROM: Military Police Commander NAKAMURA,
5 Akito.

6 "TO: Chief of General Staff SUGIYAMA, Gen.

7 "26 May 1942.

8 "Attached is the report of the investigation
9 of the eight officers and men of the American planes
10 who took part in the raid on Japan proper on 18 April
11 and were forced down at Nanchang and Ning Po in
12 Central China.

13 "Forwarded to: Minister of War, Vice-Minister
14 of War, Chief of the Bureau of Naval Affairs, Chief
15 of Military Affairs Bureau, Chief of Home Defense.

16 "Chief of General Staff, Vice-Chief of
17 General Staff, Chief of 1st (Administration) Section,
18 Chief of 2nd (Intelligence) Section, Chief of General
19 Affairs Bureau.

20 "Chief of Naval General Staff, Vice-Chief of
21 Naval General Staff, Chief of 1st (Administration)
22 Section, Chief of 2nd (Intelligence) Section, Chief of
23 5th Bureau.

24 "Navy Minister, Vice-Minister of Navy, Chief
25 of Bureau of Naval Affairs and the Commander in Chief

1 of the Home Defense."

2 That is all I desire to read of that exhibit,
3 exhibit 3129.

4 I next offer in evidence defense document
5 1027-B which is copy of excerpt from the text of a
6 telegram from the Chief of the General Staff to the
7 Commanding General of the China Expeditionary Forces.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document 1027-B
10 will receive exhibit No. 3130.

11 (Whereupon, the document above
12 referred to was marked defense exhibit No.
13 3130 and received in evidence.)

14 MR. FREEMAN: I shall read into evidence
15 exhibit 3130:

16 "FROM: Chief of General Staff.

17 "TO: Commanding General of the China Expe-
18 ditionary Force.

19 "10 October 1942.

20 "The verdict issued by the military tribunal
21 concerning the punishment of the American airmen who
22 raided the Japanese homeland is considered to be fair
23 and just.

24 "However, upon review we believe that with
25 the exception of both pilots and the gunner, Spaatz,

1 the death sentence should be commuted.

2 "It is recommended that the death sentences
3 of these men be commuted to life imprisonment.

4 "On the 13th of this month Lieutenant-Colonel
5 TAKAYAMA will depart from Fukuoka in connection with
6 the case, and we shall appreciate it if you will keep
7 him informed as to the execution of the sentence, etc."

8 I next offer in evidence defense document
9 1027-C, which deals with the disposition of American
10 airmen who raided Japan in April 1942.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Defense document 1027-C
13 will receive exhibit No. 3131.

14 (Whereupon, the document above
15 referred to was marked defense exhibit No.
16 3131 and received in evidence.)

17 MR. FREEMAN (Reading):

18 "FROM: Chief of General Staff SUGIYAMA, Gen.

19 "TO: HATA, Shunroku, Commanding General,
20 China Expeditionary Force.

21 "10 October 1942.

22 "1. Sentenced to death: Hallmark, Dave
23 Edward, pilot; Farrow, William D, pilot; Spaatz,
24 Harold A., machine gunner.

25 "2. Death sentence commuted: Meader,

1 Robert J., co-pilot; Niehlisen, C. J., navigator;
2 Hite, Robert L., co-pilot; Barr, George, navigator;
3 Deshager, Jacob, bombardier.

4 "3. Time of execution. About 15 October.

5 ****

6 "4. Matters concerning the disposition of
7 the airmen whose death penalties were commuted.

8 "The five whose death sentences were commuted
9 shall be sentenced to life imprisonment. As war
10 criminals, their treatment shall not be that accorded
11 ordinary prisoners of war.

12 "Even in the event of an exchange of war
13 prisoners they may not be repatriated to the United
14 States forces."

15 MR. TAVENNER: If the Tribunal please.

16 THE PRESIDENT: Mr. Tavenner.

17 MR. TAVENNER: I desire to point out to the
18 Tribunal that the sentence appearing before the word
19 "From"; that is, before the place where Mr. Freeman
20 began to read, should be called to the attention of the
21 Tribunal. The sentence begins with the words "Your
22 approval."

23 THE PRESIDENT: On what page?

24 MR. TAVENNER: The first three lines at the
25 top of the first page were not read. I am referring

1 to exhibit 3131.
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1 MR. FREEMAN: I next offer in evidence
2 defense document 1027-H, which is an order from the
3 Chief of General Staff relative to court-martial of
4 enemy airmen who commit atrocities.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Defense document 1027-H
7 will receive exhibit No. 3132.
8

9 (Whereupon, the document above
10 referred to was marked defense exhibit
11 3132 and received in evidence.)

12 MR. FREEMAN: I shall read exhibit 3132:

13 "Dispatched: 22 October.

14 "Received: 22 October.

15 "To: Chief of Staff.

16 "From: Chief of General Staff.

17 "Enemy airmen who commit acts of atrocities
18 shall be committed to a military tribunal in the
19 future, all announcements as to the verdict will be
20 made by Grand Imperial Headquarters. Moreover, ab-
21 solute secrecy as to the place of disposition must be
22 maintained."

23 I next offer in evidence defense document
24 2201, which concerns the punishment of POWs, which
25 regulations were in effect until March 1943.

THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Defense document No.
2 2201 will receive exhibit No. 3133.

3 (Whereupon, the document above
4 referred to was marked defense exhibit
5 3133 and received in evidence.)

6 MR. FREEMAN: I shall read into evidence
7 exhibit 3133:

8 "Concerning Punishment of POWs.

9 "Article I. If a prisoner of war offers
10 resistance or violence to supervisors, guards, or
11 escorts of prisoners of war he shall be punished
12 with imprisonment with hard labor. The offender
13 whose offense is light shall be punished with im-
14 prisonment without hard labor for not less than 6
15 months and not more than 5 years.

16 "Article II. If a number of prisoners of
17 war conspire to commit the offenses specified in the
18 preceding article, the ringleader shall be punished
19 with death, and the remainder of the offenders shall
20 be punished with exile for a term. He whose offense
21 is slight shall be punished with imprisonment with
22 hard labor.

23 "Article III. If prisoners of war conspire
24 and make a mass escape, the ringleader shall be
25 punished with exile for a term. The offender whose

1 offense is serious shall be punished with death.
2 The rest of the offenders shall be punished with
3 imprisonment with heavy labor. The offender whose
4 offense is slight shall be punished with imprisonment
5 without heavy labor for not less than 6 months and not
6 more than 5 years.

7 "Article IV. If a prisoner of war on
8 parole breaks his parole, he shall be punished with
9 imprisonment with hard labor. If a prisoner of war,
10 breaking his parole, makes resistance with a weapon,
11 he shall be punished with death.

12 "Article V. If a prisoner of war, after
13 giving his parole not to try to escape, breaks the
14 parole, he shall be punished with imprisonment with
15 heavy labor.

16 "Article VI. The provisions specified in
17 Article I--III shall not apply to offenses committed
18 while they were previously prisoners of war by those
19 who have been taken prisoners of war again.

20 "Article VII. When a prisoner of war is
21 placed on trial by court-martial, provisions appli-
22 cable to soldiers and sailors of the Imperial Army
23 shall be applied to him according to his rank."

24 MR. TAVENNER: If the Tribunal please, I
25 desire to call to your attention the fact that this

1 law was repealed, as shown by exhibit 1965 at page
2 29 thereof, on the 9th day of March, 1943.

3 THE PRESIDENT: So Mr. Freeman suggested.
4 He said it was in force until that date.

5 MR. TAVENNER: I didn't hear him say that.
6 Thank you, sir.

7 MR. FREEMAN: I next call the witness
8 OYAMA, whose affidavit is defense document 1817.

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1 A Y A O O Y A M A, recalled as a witness on behalf
2 of the defense, being first duly sworn, testified
3 through Japanese interpreters as follows:

4 THE PRESIDENT: The affidavit says that he
5 was already a witness in this court.

6 MR. FREEMAN: Yes, sir, he has already been
7 a witness.

8 THE PRESIDENT: He is still on his former
9 oath, in any event.

10 MR. FREEMAN: Yes, sir.

11 DIRECT EXAMINATION

12 BY MR. FREEMAN:

13 Q Mr. OYAMA, will you give us your full name
14 and address.

15 A My name is OYAMA, Ayao; my address, No. 8,
16 1 Chome, Nagata-cho, Chiyoda-ku, Tokyo.

17 MR. FREEMAN: May the witness be shown
18 defense document 1817.

19 Q Is that your affidavit and have you signed it?

20 A I did.

21 Q Are the contents therein true and correct?

22 A They are.

23 MR. FREEMAN: I offer in evidence defense
24 document 1817.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Defense document 1817
2 will receive exhibit No. 3134.

3 (Whereupon, the document above
4 referred to was marked defense exhibit
5 No. 3134 and received in evidence.)

6 MR. FREEMAN: I shall read into evidence
7 exhibit 3134:

8 "Having first duly sworn an oath as on
9 attached sheet and in accordance with the procedure
10 followed in my country I hereby depose as follows:

11 "I was examined as a witness at the court
12 of the I. M. T. F. E. on May 7, this year. On that
13 occasion I was asked by Prosecutor Comyns Carr about
14 the original formal record of the statistics list
15 entitled 'The List of the POWs punished by Army
16 Court-Martial from December 8, 1941 to August 15,
17 1945' (Exhibit No. 1998) which I had produced on
18 July 17, 1946, at the request of Prosecutor Monaghan.

19 "In replying to the question, I said that
20 the list was compiled according to a list of sta-
21 tistics which was in custody of my division, that
22 is, the Legal Investigation Division of the First
23 Demobilization Bureau. But a subsequent investiga-
24 tion showed that this was utterly a misunderstanding
25 on my part.

1 "This statistics list was compiled by my
2 subordinate officials by consulting the copies of
3 written findings, army court-martials, which were
4 submitted by various army commanders to the War Minis-
5 try. I wish to correct my answer regarding this
6 point.

7 "In the above questioning, I replied to the
8 prosecutor that I supposed the copies of written
9 findings of army court-martials which had been sub-
10 mitted by the army commanders to the War Ministry and
11 which had furnished the basis for the statistics list
12 then in our custody had been destroyed by fire. This
13 was also an error due to my misunderstanding. Later
14 I found that these copies of the written findings for
15 POW's had been preserved. I wish, consequently, to
16 correct this point, too.

17 "I found later also the copy of the written
18 verdict for the Wells case about which I was specific-
19 ally questioned by the prosecutor. That was a report
20 of the NADA 9801 Unit or Headquarters of the 37th Army
21 to the War Ministry.

22 "At that time I had no remembrance about the
23 details of the findings in the Wells case, and could
24 therefore not answer Prosecutor Comyns Carr's question:
25 'Do you think it was just that Mr. Wells was sentenced

1 to 12 years' imprisonment and hard labor merely for
2 spreading rumors?'

3 "When I discovered and read the copy of the
4 written findings in the Wells case I found that the
5 crime of the same Wells was not merely an act of
6 spreading rumors. Actually, Wells was sentenced to
7 12 years of penal servitude for having committed a
8 set of concurrent offences prescribed in Art. V-1,
9 and the latter paragraph of Art. XI, of the POW Penal
10 Code, and Art. XCVIII of the Army Criminal Law or
11 Art. C of the Navy Criminal Law.

12 "Art. V-1 of the POW Penal Code provides,
13 'Whoever resists or disobeys the order of persons who
14 are responsible for supervising, watching, or guarding
15 prisoners of war shall be punished with death or
16 penal servitude or imprisonment for life or for not
17 less than 1 year.'

18 "In Art. XI of the same code.

19 "'Whoever forms a group with the purpose of
20 committing disobedient acts shall be punished with
21 penal servitude or imprisonment for not less than 6
22 months and not more than 5 years; the ringleaders
23 shall be punished with penal servitude or imprisonment
24 for not less than 1 year and not more than 10 years.'

25 "Both in Art. XCVIII of the Army Criminal

1 Law and in Art. C of the Navy Criminal Law.

2 "'Whoever spreads rumors about military
3 affairs in time of war or of an incident shall be
4 punished with penal servitude or imprisonment for not
5 more than 7 years.'

6 "I wish to make it clear that I believe that
7 the verdicts sentencing Wells to 12 years of penal
8 servitude on the basis of these provisions are just.

9 "On this 17 day of June, 1947."

10 Do you wish to cross-examine?

11 COLONEL MORNANE: If the Tribunal please,
12 there will be no cross-examination of this witness;
13 but the prosecution would like to refer the attached
14 document -- I thought that the document attached to
15 this, marked defense document 1817, was put in as part
16 of the document. I understand from my friend that he
17 is putting in a separate document.

18 MR. FREEMAN: If the Tribunal please, the
19 attachment to 1817 thereof, exhibit 3134, I do not
20 desire to be considered a part of any evidence.

21 THE PRESIDENT: I notice a reference to a
22 Captain Mattuce. I recollect a Captain Matthews.

23 MR. FREEMAN: That is correct.

24 With the indulgence of the Court, I offer in
25 evidence document 1818, which is the judgment in that

1 court-martial and has the correct names and has a
2 certificate with it.

3 THE PRESIDENT: Is this witness required any
4 further?

5 MR. FREEMAN: No, sir; I am sorry. The
6 witness may be excused.

7 THE PRESIDENT: He is excused on the usual
8 terms.

9 (Whereupon, the witness was excused.)

10 THE PRESIDENT: This document is admitted on
11 the usual terms.

12 CLERK OF THE COURT: Defense document 1818
13 will receive exhibit No. 3135.

14 (Whereupon, the document above
15 referred to was marked defense exhibit
16 No. 3135 and received in evidence.)

17 MR. FREEMAN: I do not desire to read any
18 part of this document.

19 I next offer in evidence defense document
20 1931, which is an excerpt from the International
21 Red Cross Report of January, 1944.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Defense document 1931
24 will receive exhibit No. 3136.

25 (Whereupon, the document above

referred to was marked defense exhibit
No. 3136 and received in evidence.)

MR. FREEMAN: I shall read in evidence
exhibit No. 3136.

"Excerpt from the International Inspection
of the Red Cross. January, 1944.

"Delegation to Japan -- On November 13,
Mr. Max Pestalozzi has visited the camp of prisoners
of war at Mukden, Manchukuo, which confined Britishers,
Australians, Americans, in total, more than a thousand
prisoners of war.

"The dwellings are satisfactory; they are
the brick buildings, well-constructed and well-equipped,
the prisoners there are provided with straw mattress
and a complete bedding. As for clothing, the prisoners
possess two suits of clothing; one for summer and one
for winter. The prisoners of war are satisfied with
the nourishment, however they find it a little mono-
tonous in the long run.

"The sanitary arrangements are sufficient.
The camp has an infirmary attached to it, full-equipped,
which, considered as military hospital, is given all
necessary things. The dental cares are also much
appreciative. All the prisoners have been inoculated
against typhoid, paratyphoid, and dysentery, and

vaccinated.

1 "A large sport ground and many indoor games
2 are available to prisoners, but prisoners who desire
3 are given books, as much instructive as recreative.
4

5 "In regard to correspondence, the prisoners
6 can send a plenty of messages.

7 "The discipline is somewhat relaxed, because
8 the prisoners came from several units of army and
9 navy.

10 "The delegate of the International Committee
11 express much satisfaction of his visit and the kindness
12 of the Red Cross of Manchukuo and signalize at the same
13 time that the officers attached to the camp are making
14 the utmost effort in order to ameliorate the treatment
15 of the prisoners of war.

16 "Excerpt from the International Inspections
17 of the Red Cross. March, 1945.

18 "On December 6 again, Mr. Angst has made the
19 second call at the camp of prisoners of war at Mukden,
20 which assembled more than a thousand Americans,
21 approximately a hundred Britishers, several Australians
22 and a French.

23 "The measures to protect against aerial
24 attacks have been taken; the hygienic institutions are
25 satisfactory and the camp is disinfected whenever it

seems to be necessary.

1 "The rations correspond in quantity to those
2 which are distributed to the camp guards, but the
3 quality of them looked better; the energy values
4 attained about 3500 calories.
5

6 "The supplemental foods are prepared for the
7 prisoners who do heavy labours and for the patients,
8 as well as in the special occasions as, for example,
9 certain fete days.

10 "The hospital of the camp is a brick building,
11 which can receive one hundred and fifty patients;
12 it is composed of a separate ward, a tuberculosis
13 patients' room, a room of test, operation, X-rays,
14 pharmacy and a recreation room. The medical and
15 surgical equipment is complete, and only the patients
16 suffered from special diseases are transferred to
17 the Mukden Military Hospital, which gives equally
18 dental care. The medical inspections take place
19 three times a week and the patients receive the doctors'
20 visits every day. All the prisoners have been vac-
21 cinated for smallpox and inoculated against typhoid,
22 paratyphoid, dysentery and cholera.

23 "The money which they use is given them out
24 of their own savings.

25 "It is above all expended at the canteen,

1 where they are informed that these pocket moneys serve
2 to buy musical instruments, sporting goods, seeds and
3 toilet articles: the prisoners also can send the
4 funds to their families, if they wish.

5 "Most of the people are able to work. The
6 duty hours are eight hours a day, with recesses of
7 morning, noon and afternoon; Sunday is holiday; some
8 men work in factory and the rest are occupied in con-
9 versations in the camp.

10 "There is no chaplain in the camp; the
11 religious services are celebrated in English by a
12 Japanese clergyman.

13 "The prisoners can play sport, music and
14 cards; visitors from outside are not admitted, no
15 more than the visits to outside are not authorized,
16 but they can go out of the camp to visit the graves.

17 "The camp commander has reported to the dele-
18 gate that their morale and spirits have been, on
19 the whole, ameliorated, and that the relations between
20 the camp authorities and the prisoners have been satis-
21 factory; and with the camp guards they have talked in
22 a like manner; the state of health have been equally
23 ameliorated and they have seemed also to be satisfied
24 with the fact that they can have those special con-
25 siderations given them at that time."

1 With the Court's permission, I should like
2 to pass defense document 2076 for the present, and
3 offer in evidence defense document 2111.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Defense document 2111
6 will receive exhibit No. 3137.

7 (Whereupon, the document above
8 referred to was marked defense exhibit
9 No. 3137 and received in evidence.)

10 THE PRESIDENT: Do you propose to read all
11 this?

12 MR. FREEMAN: Yes, sir.

13 THE PRESIDENT: You won't finish it tonight;
14 not this document.

15 How are you progressing, Mr. Freeman? Have
16 you many more witnesses and documents in the general
17 phase?

18 MR. FREEMAN: No, sir, just a very few more.

19 THE PRESIDENT: Will we be hearing the indi-
20 vidual cases tomorrow?

21 MR. FREEMAN: It is my understanding that
22 Mr. Cunningham has a few documents to offer and that
23 Mr. Blewett has two witnesses to offer before this
24 phase is closed.

25 THE PRESIDENT: Are they lengthy?

1 MR. FREEMAN: I do not know.

2 THE PRESIDENT: We will adjourn now until
3 half-past nine tomorrow morning.

4 (Whereupon, at 1555, an adjournment
5 was taken until Tuesday, 9 September 1947, at
6 0930.)

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